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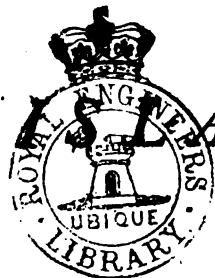
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B. 165

William D. P.

INTERESTING TRACTS,

RELATING TO THE



ISLAND OF JAMAICA,

CONSISTING OF

CURIOUS STATE-PAPERS, COUNCILS OF WAR, LETTERS,
PETITIONS, NARRATIVES, &c. &c.

WHICH THROW GREAT LIGHT ON THE HISTORY OF THAT ISLAND,
FROM ITS CONQUEST, DOWN TO THE YEAR 1702.

ST. YAGO DE LA VEGA:

PRINTED BY LEWIS, LUNAN, AND JONES.

M,DCCC.

Ly. Maggs 17 10



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INTERESTING

INTERESTING TRACTS,
RELATING TO THE
ISLAND OF JAMAICA.

A PROCLAMATION OF THE PROTECTOR,
RELATING TO JAMAICA.

WHEREAS, by the good providence of God, our fleet, in their late expedition into America, have possessed themselves of a certain island called Jamaica, spacious in its extent, commodious in its harbours and rivers within itself, healthful by its situation, fertile in the nature of the soil, well stored with horses and other cattle, and generally fit and worthy to be planted and improved, to the advantage, honour, and interest, of this nation.

And whereas divers persons, merchants, and others, heretofore conversant in plantations, and the trade of the like nature, are desirous to undertake and proceed upon plantations and settlements upon that island.

We, therefore, for the better encouragement of all such persons, so inclined, have, by the advice of our council, taken care, not only for the strengthening and securing of that island from all enemies, but for the constituting and settling of a civil government, by such good laws and customs as are and have been exercised in colonies and places of
A the

the like nature, have appointed surveyors and other public officers, for the more equal distribution of public right and justice in the said island.

And, for the further encouragement to the industry and good affection of such persons, we have provided and given orders to the commissioners of our customs, that every planter or adventurer to that island shall be exempt and free from paying any excise, or custom, for any manufactures, provisions, or any other goods or necessaries, which he or they shall transport to the said island of Jamaica, within the space of seven years to come from Michaelmas next.

And also that sufficient caution and security be given by the said commissioners, that such goods shall be delivered at Jamaica only. And we have also, out of our special consideration of the welfare and prosperity of that island, provided that no customs, or other tax, or impost, be laid or charged upon any commodity, which shall be the produce and native growth of that island, and shall be imported into any of the dominions belonging to this commonwealth: which favour and exemption shall continue for the space of ten years, to begin and be accounted from Michaelmas next. We have also given our special orders and directions, that no embargo or other hindrance, upon any pretence whatsoever, be laid upon any ships, seamen, or other passengers or adventurers, which shall appear to be engaged and bound for the said island.

And we do hereby further declare, for ourselves and successors, that whatsoever other favour, or immunity, or protection, shall or may conduce to the welfare, strength, and improvement, of the said island, shall from time to time be continued and applied thereunto. Given under our hand, &c.

A LETTER



A LETTER FROM CHRISTOPHER COLUMBUS,
IN JAMAICA,

TO THE KING OF SPAIN.

Jamaica, 1503.

S I R,

DIEGO MENDEZ, and the papers I send by him, will shew your highness what rich mines of gold I have discovered at Veragua, and how I intended to have left my brother at River Belen, if the judgments of heaven and the greatest misfortunes in the world had not prevented it. However, it is sufficient your highness and successors will have the glory and advantage of all, and that the full discovery and settlement are reserved for happier persons than the unfortunate Columbus. If God be so merciful to me as to conduct Mendez to Spain, I doubt not but he will make your highness and my great mistress understand that this will not only be a Castile and Leon, but a discovery of a world of subjects, lands, and wealth, greater than man's unbounded fancy could ever comprehend, or avarice itself covet. But neither he, this paper, nor the tongue of mortal man, can express the anguish and afflictions of my mind and body, nor the misery of my son, brother, and friends; for here already we have been above ten months lodged upon the open decks of our ships, that are run ashore and lashed together; those of my men that were well have mutinied under the Porras' of Sevilla; my friends that were faithful are mostly sick and dying; we have consumed the Indian's provisions; so they do abandon us; all therefore are like to perish by hunger, and these miseries are accompanied with so many aggravating circumstances that render me the most wretched object of misfortune this world shall ever see, as if the displeasure of heaven seconded the envy of Spain, and would punish as criminal those undertakings and discoveries, that former ages would have acknowledged as great and meritorious. Good heaven! and you holy saints that dwell in it, let the king Don Fernando, and my illustrious mistress Donna Isabella, know that I am the most miserable man living, and that my zeal for their service and interest hath brought me to

it; for it is impossible to live and have afflictions equal to mine. I see, and with horror apprehend, (and for my sake,) those unfortunate and deserving people's destruction. Alas! piety and justice have retired to their habitations above, and it is a crime to have done or performed too much, as my misery makes my life a burthen to myself, so I fear the empty titles of perpetual viceroy and admiral render me obnoxious to the Spanish nation. It is visible enough how all methods are made use of to cut the thread which is breaking, for I am in my old age, and loaded with unsupportable pains of the gout, and am now languishing and expiring with that and other infirmities among savages, where I have neither medicines nor provisions for the body, priest nor sacraments for the soul. My men mutinying, my brother, my son, and those that are faithful, sick, starving, and dying. The Indians have abandoned us; and the governor of St. Domingo, Abando, has sent rather to see if I am dead, than to succour us, or carry me alive hence, for his boat neither delivered a letter nor spoke, or would receive any from us, so I conclude your highness officers intend here my voyage and life shall end. O blessed mother of God, that compassionateth the miserable and oppressed, why did not cruel Bonadilla kill me, when he robbed me and my brother of our dear purchased gold, and sent us for Spain in chains, without hearing, trial, crime, or shadow of one! These chains are all the treasures I have, and shall be buried with me, if I chance to have a coffin or a grave; for I would have the remembrance of so unjust and tragic an act die with me, and, for the glory of the Spanish name, be eternally forgot. Had it been so (O blessed virgin!) Obando had not then forced us to be dying ten or twelve months, and to perish *per* malice as great as our misfortunes. O let it not bring a further infamy on the Castilian name, nor let ages to come know, there were wretches so vile in this, that thought to recommend themselves to Don Fernando, by destroying the unfortunate and miserable Christopher Columbus, not for his crimes, but for his services in discovering and giving Spain a new world. It was you, O heaven! that inspired and conducted me to it, do you therefore weep for me, and shew pity; let the earth, and every soul in it that loves justice or mercy, weep for me. And you, O glorified saints of God, that know my innocency and see my sufferings, have mercy. If this present age is too envious or obdurate to weep for me, surely those that are to be born will do it, when they are told Christopher Columbus, with his own fortune, at the hazard of his own and brother's lives, with little or no expence to the crown of Spain, in twelve years, and four voyages, rendered greater services than ever mortal

tal man did to prince or kingdom, yet was made to perish (without being charged with the least crime) poor and miserable, all but his chains being taken from him, so that he who gave Spain another world, had neither in it a cottage for himself nor wretched family. But should heaven still persecute me, and seem displeased with what I have done, as if the discovery of this world may be fatal to the old, and as a punishment bring my life in this miserable place to its fatal period; yet do you, O good angels! (you that succour the oppressed and innocent,) bring this paper to my great mistress. She knows how much I have done, and will believe what I suffer for her glory and service, and will be so just and pious as not to let the sons and brothers of him, that has brought to Spain such immense riches, and added to it vast and unknown kingdoms and empires, want bread or subsist on alms. She, (if she lives) will consider cruelty and ingratitude will provoke heaven, and the wealth I have discovered will stir up all mankind to revenge and rapine, so that the nation may chance to suffer hereafter, for what envious, malicious, and ungrateful, people do now.

A NAR-

A NARRATIVE, BY GENERAL VENABLES,
 OF HIS
EXPEDITION TO THE ISLAND OF JAMAICA,
 AND THE CONQUEST THEREOF,
 UNDER THE PROTECTORSHIP OF OLIVER CROMWELL.

IT being the usual course of such persons, whose pikes prove too short, to make use of their pens to supply that defect, and by that means endeavour to clear themselves from envy and reproach, their disasters might draw upon them, which is ordinarily measured to them with a large hand, I should have waved any thing in this nature, and wholly cast my reputation, in the managing of this western design, upon the opinion of those that have formerly been acquainted both with my person and former services; but there being so many thousands who never knew me, nor them, I find myself necessitated to publish to the world, a true narrative of the design, lest otherwise, (if I be silent,) some envious persons should take the liberty to censure me, as their own misguided fancies and humours, or the slanderous reports of envious tongues shall dictate to them.

The sad and never sufficiently to be lamented differences, which have some few years past fallen out in these nations, and being so general, that almost every man was in action, or affection, engaged in them, upon one part or other. Among others myself, (as conscience and judgment guided me,) adhered to the parliament, upon such grounds, reasons, and engagements, as were held forth by them, (though fruitless of my hopes in the end,) which cause I promoted to my utmost ability against all discouragements, and, to enable me the better, I sold a tenement of about forty pounds a year, with the money to raise arms, and to maintain a company of foot in that service, which I did, and served with the same in Lancashire, without any pay. My service in England I shall not mention, but leave to others to speak of both in Lancashire, Cheshire, Yorkshire, Sallop, and North Wales, in the siege of Nantwick, fight at Leckbridge, Christleton,
 - and

and Montgomery, besides other services of less importance. The war in England being ended, I was engaged in the Irish service, and landed at Dublin, (it being besieged,) first of any regiment, in such a time when they despaired of any relief, and the soldiers running away to the enemy by hundreds, so that they were almost come to a necessity to treat of a surrender thereby, to save something, all otherwise being certainly lost. My arrival put a stop to this, and put life into the soldiers, who otherwise out of mere despair of relief would have revolted. After the taking of Drogheda, (other officers refusing the employment,) I was sent into Ulster with one thousand five hundred horse and foot only, there being in that province above so many regiments as I had hundreds, to oppose me; where how the Lord prospered me, is publickly known. So that before I had received two thousand pounds from the state, to carry on that service, the Lord had given into the parliament's hands whatever the Scots had in possession, and for surrender of which, the parliament did, by their commissioners, offer to the Scots one hundred and fifty thousand pounds; and as one of the commissioners, sir Robert King, told me, they had commission to give two hundred thousand pounds, if it would be accepted. In Carling Fort, Newry, Belfast, Lysnegarive, Antrim, Toom, and Carrickfergus, were above eighty pieces of ordnance, and near half of them brass; eighty barrels of powder, with match and ball proportionable; with about two hundred arms; for all which service, I never received further reward, than a letter of thanks for the same, from the council of state. After I had continued in Ireland almost five years, and never seen home, (the Irish war being ended,) the right honourable the lord Broughill and myself were, at a general council of the officers, voted to attend his highness with some addresses from the army, in order to the settling and planting of Ireland, which business being almost perfected, it was his highness's pleasure to acquaint me, that he intended some other employment for me. I desired to know it. After some time, the design was imparted to me, and the justice of it, which I desired to be cleared to me before I accepted of it, in which particular being satisfied by this dilemma, that either there was a peace with the Spaniards in the West-Indies or not? If peace, they had violated it, and to seek reparation was just. If we had no peace, then was there nothing acted against articles with Spain. After this, I desired his highness to grant me some requests before I could accept of this employment. His highness commanded me to draw them up in writing, and to deliver them to Mr. Secretary Thurloe, who should give me an answer to them, which accordingly I did. These being granted, I proceeded

proceeded to propound land in Ireland, for my arrears due for my service there, and some in listing of officers now acting ; when suddenly all the business was at a stand, and all further proceedings in it to be waved, so that I thought all had been ended, and betook me again to my own affairs. After some five months silence, I was suddenly again called upon to undertake the employment. I answered, I could not in conscience engage, unless my proposals were granted, nor leave my children without any care of them, except I should fall under the apostle's censure—*He that provideth not for them of his family has denied the faith, and is worse than an infidel.*

I desired to know the grounds and reasons of the design, that I might the better understand the state of those parts, I desired arms, ammunition, and all other necessaries, by a particular under my hand, suitable to the design, and the distance of the place, supplies; not being to be had, and, therefore, must carry the more with us, lest, when we come to work, we should be forced to stand still, through want of necessaries to carry on the service. I further moved, that my friends should not be made more formidable to me than my enemies, by bounding and straitening me with commissions and instructions which, at that distance, could serve but as fetters, contingencies not being possible to be foreseen, and I by them discouraged, and put into doubt, when I should need the greatest encouragements, without fear to engage against all hazards, which, by instructions, might be double to what the enemy could make them. I had a satisfactory answer to all, but how performed shall be afterwards declared. Whilst these things were in transaction there were some discontents in the fleet, and complaints were said to be against the unsoundness of the provision ; about which, I being spoken unto by the officers, that the care of the food belonged to me, I desired the person that informed me, to acquaint general Desbrow with it, which he did, and general Desbrow was so incensed against me, that he publickly fell out with me, and told me, I sought to hinder the design, and raised an untrue report: I replied I did not, and that I had only sent the informer privately to acquaint him with these things, in regard he had the care of the fleet, to see it well furnished with all things, and that I had the information from colonel Buller, and had not spoke of it to any, save the commissioners, and therefore could not be guilty of any miscarriage to the prejudice of the design being; I meddled not in any report, but willed Buller to inform him what he had told me, and therefore did wonder why he should thus publickly reprehend

reprehend me to no end, save to make a breach betwixt the land and seamen. He answered, he had for twelve years seen transactions of affairs, and had an end, wherefore he ———. I replied, the end he aimed at I knew not, but was certain his language would produce no good to the design but hurt. I afterwards enquiring of a friend the reason. I was answered, no information against the victuallers of the navy would be heard with any other acceptance. I asked the reason of that. It was answered, though general Desbrow was no victualler, yet it was believed, upon very strong presumptions, he had a share in the profit of the place, and therefore would receive no complaints against the victuallers of the navy, but with reproach and passion against the informer; his own interest (though private and not generally known) engaging him in their behalf, it being his own concern, as well as theirs. After this, myself and officers made several proposals to the lords of the council, for the advantageous carrying on of the service, as we conceived, wherein we were so modest in matters of our own concerns, that never men did undertake so hard and desperate a work upon so mean and low conditions; to let the world know it was the promotion of the gospel and the service of our country we chiefly did propound to ourselves. But, after four months attendance and expence of our money, we had not any positive answer, whether the design would go on or no, and yet the design was vulgarly discoursed; whereby the enemy had timely warning to provide; which we find they did with much circumspection and prudence. After about five months time, I was commanded to be ready to go with so much haste, having wholly laid all conceit of the design aside, that I was so surpris'd with confusion in my thoughts, I had scarce time to know in what condition the state of things were before our men were drawn out. I desired we might only have such as freely offered themselves, which was promised us; yet the officers generally gave us the most abject of their companies, and, if any man offered himself, he was struck or otherwise punished; and one thing I cannot omit, that those men we had were taken up purposely to spare their old blades, and among those thus entertained were diverse papists, in particular sixteen, and four of them Irish, and one a priest, were put upon us out of the lower regiment; many more were found since, though all we could discover were cashiered at Barbadoes; and though it was earnestly moved by me that we might have the men raised out of the Irish army, seasoned with hardship and danger, it was utterly rejected: besides, the men thus given wanted five hundred of the number designed, and almost half their arms defective, and altogether unserviceable; which be-

ing related to the council, we were not permitted to stay for arms, much less, which I earnestly pressed, to exercise the men and try what they were; but the officers and myself were threatened to be imprisoned if they stayed in the city till next day; whereby some were constrained to leave their necessaries behind them, which they could never procure to be brought to them; all being denied carriages, which are allowed all other officers in the three nations. I then moved, that we might have a general muster, that I might see the officers and soldiers together, the better to judge of their fitness and abilities; and was promised it should be at Portsmouth; but, before I could come thither, some were shipped and sent away, and all were reproached for not shipping faster than wind, and tide, and boats, would serve us; and, when I earnestly moved to have our store ships with us, I was promised they should meet us at Portsmouth, and there I was told they would be with us before we left Barbadoes. In all my desires and proposals I was constantly answered with scoff or bad language by some; as, moving for targets, the country being woody (the want of which we found to our grief) we had a jest told us, and then a denial. Instead of ministers to the six regiments I pressed for, being the design was alledged to be for the propagation of the gospel, a number of black coats were offered; I complaining of prophane persons put upon me, it was answered, if they offended to cashier them, contrary to the old adage *turpius ejicitur, &c.* All these things might have discouraged me from going, had not my affections to the service of my country transported me beyond my reason, and all the persuasions of my friends. I, leaving a considerable employment at home, as well as estate, so that necessity did not force me upon the service. I was promised ten months provisions for ten thousand men; but, instead of having it put on board with me, it was sent to London to the store ships, for want of room, and yet the officers of the navy took in commodities to trade withall at Barbadoes. When we came to Barbadoes, being the twenty-ninth of January, we fell next day to pursue our business and instructions, but found things so contrary to expectation and promise, that myself writ the following letter to the protector:

May it please your highness,

THE good hand of God going along with us, at sea preserving us from tempests and diseases, not twenty that I can hear of dying in all the fleet, the difficulties and wants we have met with in this place are fully
repressed

repressed by the commissioners, that I should but trouble your highness with mentioning of them. It may be your highness thinks we have spent too much time, and so do I; but when our wants are recounted, and the difficulties or rather impossibilities to supply ourselves here considered, it will appear to such as know this island we have not been slow; neither will it be imputed as a fault to us, I hope, considering our stores and other necessaries are all behind, which plead the more for us, and manifests our obedience to your highness's commands; yet nothing can discourage, save what does wholly disable us to prosecute the same, which I hope will appear by our subsequent actings. Our supplies and recruits, I am confident, need not be pressed upon your highness, they being so necessary, and the work so serviceable to your highness, that I shall give you no other diversion, save conclude myself, &c.

A LETTER SENT THE LORD PRESIDENT LAWRENCE, LORD LAMBERT,
AND SEVERAL OTHERS OF THE COUNCIL OF STATE.

AFTER a most merciful and good hand of God towards us at sea, the twenty-ninth last we came to anchor at Carlisle Bay. The next day we landed and fell about our work, but presently of our own selves, and by friends privately, were assured (which since we find true) that all the inhabitants were against our design, as destructive to them, and that they would not readily and cordially assist us. All the promises made to us in England of men, provisions, and arms, we find to be but promises, and do not know that we have raised one thousand five hundred men, and not arms for three hundred of them. Mr. Neal's fifteen hundred arms are dwindled to one hundred and ninety. We did not doubt but my lord and his council had proceeded and grounded their resolves upon greater certainties than we yet discern, by any one particular, of all that was taken as most certain, the confidence of which did cause us, with great assurance, to rest satisfied with what was promised us we should find here; only the country has raised us sixty horse in a troop. We cannot expect to be relieved from hence with provisions, they buying all their own; and, had we not found some sent here by the victuallers of the navy, I know not how we should have subsisted when gone hence. We have seized some Dutch vessels which we found here, which refuse to give us any invoice or bill of lading, they having almost sold all their goods, and landed them before we came; and the inhabitants will not discover to

whom they were sold ; only since we came, a Dutchman came in with two hundred and forty-four negroes, which we have sold for about five thousand one hundred and sixty-two pounds ; and another vessel, with some asses, sold for about two thousand two hundred pounds, and twenty-three not yet sold, which will much exceed all other seizures ; but whatever is not to be gotten here must be sent from England, or we must perish. We desired our men's arms might be changed, being extremely bad, and two fifths not to be made serviceable here. Of three thousand men designed, we brought but two thousand five hundred, and of those not one thousand six hundred well armed, so that our stores not coming as promised, we are making half pikes here to arm the rest of those we raise, for we have not hopes at any rate to procure one thousand six hundred fire arms. If bread and meat be not constantly sent us from England, we must want it ; for cassava after it is planted (and we cannot plant it till June at soonest) will not be fit to eat for one year. It is agreed upon, by all those persons that know America, that English powder will not keep above nine months, and at that time we must receive constant supplies. French and Spanish powder will keep many years, therefore I earnestly desire salt petre and all other materials, with men to make powder, may be sent to us ; for the ingredients will keep uncompounded very well. We have met with all the obstruction that men in this place can cast in our way, and, now we have time to draw our men together, we find not half of them armed, nay, in some regiments, not above two hundred arms, the most unfit arms and unfit men generally given us, and here we are forced to make half pikes to arm them, which hath lost us so much time and will hazard our ruin. Had we been armed in England, doubtless we had been at work before this. I have just now received an account from general Penn of what arms the ships can accommodate us with, which, as you may see by the enclosed particular, will not amount to, in shot, above fifteen shot a man, a most inconsiderable proportion to have hunted Tories with in Ireland, where we might have supplies every day, much more to attempt one of the greatest princes in the world, within his most beloved country, where supplies cannot be had above twice a year, and this island upon trial will not fit us with so much ; a sad matter that we must attempt so high with little or nothing, or return ; to do which some of us could more cheerfully hear the news of death than be guilty of. I have given the best account I am able. The commissioners will be more large, I believe, to his highness. Pray let not the
did

old proverb be verified in us, *out of sight out of mind*; if so, you will quickly hear we are not in this world, &c.

Barbadoes, February

The substance also of this letter, with some particular instructions, was written to Mr. William Rowe and Martin Nowell, who were agents for me and the army at London.

The first business we fell upon at Barbadoes was the seizing of all Dutch vessels, according to his highness instructions. General Penn put his own nephew, one Mr. Poole, to take the invoices and bills of lading. Mr. Winslow and myself urged that he should not act but by commission from us, and that we would put a check upon him; he told us, he had power of himself to commission him, refused ours, and would not admit of a check, nor suffer to see original invoices; only one I saw, which was conveyed away immediately, and the number of elephant's teeth in it, which I remembered exactly, one hundred and ninety-one, were, in the copy of it, made but one hundred and fifty. I urged the falsehood of the copy, and desired the original; at last they brought in a hundred and eighty-one, and urged that the other ten were my mistake, but I had taken the number into my memorial, and could not mistake it; however this one act (if the rest of the invoices, as I have ground to believe, were curtailed accordingly) will shew the seamen's proceedings. Mr. Winslow and myself considered how to remedy this, but finding the seamen our enemies, and at least to scorn us and adhere to their general, and colonel Searle to comply with him, we were constrained to be patient by force, and commit the thing to private remembrance, when time served to vindicate ourselves, and Mr. Winslow said he would certify secretary Thurloe of it; which I believe he did.

AT A COUNCIL OF WAR HELD AT THE INDIAN BRIDGE TOWN IN
BARBADOES, MARCH 18, 1654, TO CONSIDER THE WANTS OF
THE ARMY,

General Venables,

Major General Heines,

Colonel Fortescue,

Colonel Buller,

Colonel Morris,

Colonel Carter,

Colonel Doyley,

RESOLVED,

THAT it be proposed to general Penn and his officers, that as the land forces do promise never to desert the fleet, general Penn and his officers

cers do mutually engage with the land forces not to leave them until their supplies come, which, if they should miscarry, then to transport them back again to England.

That it be proposed to the commissioners, that large proportions of shipping be provided to transport the army, lest, by peettering the ships, infectious diseases should consume the forces, and so endanger if not overthrow the design.

That soldier's wives, who offer to carry their own provisions, may be transported, to take care of the sick and wounded men.

That old linen be provided for the chirurgcons.

That we do not march hence under at least twenty ton of ball.

That we have ten ton of match before we march hence.

That, before we part hence, we have from the fleet two thousand fire-arms, six hundred pikes, besides pistols, carbines, and two hundred half pikes, and that they be presently sent on shore.

We desired at the same time copies of the invoices. After long delay, one was delivered, and immediately by Pool borrowed from Mr. Cary, and would never be redelivered till the day we left Barbadoes, were forced to leave it with the commissioners for prize office there. But of this more hereafter, with Cary his testimony concerning the same.

Our stores not coming, I sent to general Penn to know what arms, shot, and match, he could spare, (for general Desbrow had assured me and the officers in England that what was in the fleet was and should be for the carrying on the service and at the commissioners disposal, and that there was enough to serve both us and the fleet, for some good time). He returned me an account of fifteen shot a man was all he could spare of his ball, and a few tons of match; but, though he had many hundred pikes in the fleet to spare, and lances to kill cows, which were for our use as well as the fleets, yet we could not get one pike or lance, only some few half and quarter pikes; wherefore I was necessitated to set all hands to work to make half pikes (the timber of that country not being fit for long ones,) which

which were yet so bad that I suppose Tom Tinker, or Tom a Bedlam, in England marches with better weapons. Upon our arrival there I found all men's arms unfixed, our gunsmith's tools were in the store ships, and were denied to be sent with us, so that our want of smith's tools, and making of half pikes, hindered us from fixing our arms and the officers from exercising their men, except a very little before we came from thence. We were ordered to take up provisions there, and charge bills of exchange at home, but I suppose it was known to others, though not to me, that no provisions were to be gotten there, for so I found by experience, and the rates much higher than what they were in England, for what I bought myself; so that these, with some other reasons, caused Mr. Winslow, one of the commissioners, to say to divers of the officers that we were betrayed, and if it had been in the late king's reign he would have declared so. Notwithstanding all these difficulties I continued forward and chearful until such time I heard the seamen talk of going home, which raised some doubts among the officers that they intended to leave us (which was promised in England they should not before another fleet came) and then we saw we must perish. Another fell in the rear of this, was that, upon our coming from Barbadoes, the seamen had their allowance, and our landmen were reduced to half (by what order I know not) and that given them but four days in the week and the other three fish days. The seamen had their victuals with brandy, and the landmen had only bread (and that most beastly rotten) and water, which brought them so low that at landing they fell down, and some of them into the water, as the rear-admiral observed; and the vice-admiral marching along with us with a regiment of seamen, seeing our men's weakness, said, that the fortnight's weakening at sea with bad provisions would not be recovered with two month's good diet at land; and, though the officers complained of their bad bread, it was answered the bread was bought by the commissioners at Barbadoes, and must be spent, which it might have been without prejudice, if delivered out for one day in the week to all seamen and landmen. And here I must query, whether the bad bread in the fleet was not given the landmen upon this pretence? It is true the provisions were bad, so that they were refused by the fleet in England, and therefore sent by the victuallers of the navy to Barbadoes to be sold; which we were forced to buy rather than starve, being our own stores came not to us, preferring bad food before none. We left Barbadoes the last of March, and by the way dispatched some business at St. Christopher's, where we took in a regiment foot; and then when we came from St. Christopher's mustered on board

board, and, finding great want of arms, we once more desired a supply from the fleet, who had above a thousand two hundred pikes to spare, and a large quantity of lances, but were refused by general Penn the loan of one pike or lance (though the lances were put on board for the army to kill cows,) so that we were constrained to use half pikes, shorter by two foot than the enemy's, which gave them great advantage against us. Our next business (which lasted long and was interwoven with other debates,) was a clause in the commissioners instructions from his highness, that they should dispose of all preys and booties got by sea or land towards the carrying on of the present service and design; which, when it came into agitation, I told the commissioners I conceived it was to be understood of ships and their lading, or of large quantities of treasure in towns or forts; for if, as they understood, it were to be intended of all sorts of pillage, it was not possible to be put in execution; besides I did fear it would disgust the army and turn them against me, and if I lost the officers affections I conceived it would utterly disable me to serve his highness; for this was so contrary to what had been practised in England, as I doubted it would be impossible to satisfy them, and how to bring them from pay and plunder (both which they had in England) to have neither pay nor plunder, without the propounding some fit medium, I thought it was impossible. The thing was propounded to the officers, and a fortnight's pay propounded to them in lieu of their pillage of Santa Domingo. The officers being in arrears, and many of them coming in hopes of pillage into a country where they conceived gold as plentiful as stones, demanded three months; I with entreaty drew them to accept of six weeks pay, and in this time of dispute I drew up a declaration that did satisfy the officers, and the commissioners did so far approve of it as that they gave order to have it drawn fair; for each regiment one, that they might subscribe it. The order follows:

By the commissioners appointed by his highness for managing the affairs of America with the consent of the officers: Whereas it hath been the practice of the best commanders and best ordered armies that ever have been, not only to make strict laws, but execute the same with like strict severity upon such officers and soldiers as should pillage or plunder without licence, or conceal what they had so pillaged, and not bring it to the public store or stock; in regard many armies have been thereby ruined and destroyed when they have had the victory in possession, yet by that only fault have given the enemy

enemy opportunity to wrest the same out of their hands, as the French at Garighan and the Venetians at Tacobul; also, because the men that actually performed the service of the day lye slain, wounded, or have the enemy still before them, so that without imminent ruin they cannot seek after spoil; but persons, whose deserts merited little or nothing in the service of the day, carry away the profit of the whole success, to the singular discouragement of brave resolutions, who usually get nothing but blows; the injustice of which caused David to make it a military law Samuel I. 30th chapter and 24th verse, to give equal share to every person of the army though not present in the action; and though the equity of the thing carry enough with it to justify the proceedings of antiquity against so great an evil, the disorder being of so dangerous a consequence, and contrary to reason and religion, that a few persons (who are usually the least deserving,) should carry away the whole reward of the victory and success purchased by the blood and hazard of all: Wherefore, it is his highnesses special commands to us, that we should rectify so great a disorder crept so far into modern armies, and that a just account be taken of the pillage and booties, to the end that an equal distribution may be made thereof to all persons; according to every man's quality and merit: It is therefore hereby ordered that no persons of what degree or quality soever do presume to pillage without licence, or to conceal, detain, or keep, to his own private use or profit, any arms, money, plate, jewels, or goods whatsoever, upon pain of forfeiture of his interest in the whole pay or pillage, and likewise to suffer the pain of death for the said offence. And it is hereby further ordered and declared, that officers shall be chosen by mutual consent, and sworn to receive and dispose of all pillage and booties, according to every man's place, quality, and desert; and the said officers shall take an oath to execute the said place justly and truly, and the distribution shall be made by the advice of persons chosen by the officers and soldiers, according to each man's quality and merit.

Given under our hands this

day of

RICHARD VENABLES,
WILLIAM PENN.

But when all things were made ready, the commissioners (general Penn and myself excepted) refused to sign the order, which gave the officers great offence; who, to satisfy the commissioners, had several of them agreed to sign the ensuing declaration, in case the commissioners would have signed the foregoing order:

C

Whereas

Whereas we have received an order from his highnesses commissioners for managing the affairs of America, declaring his highnesses instructions to them, and thereby requiring an exact account from them of all prizes and booties taken by sea or land, that so every officer and soldier may receive an equal share, according to their several qualities, places, and deserts; and for the carrying on of the publick service; and being convinced by the reasons alledged in the same of the injustice, dangerous inconveniences, and the unreasonableness, of that too frequent and unreformed disorder, that a few (and those usually that perform least of the service) should engross to themselves what is purchased by the blood and hazard of all the forces, we do wholly approve of the order, and also engage for ourselves that we will not violate the same; but endeavour to cause all under our several charges and commands to give obedience to the said command, and to bring all offenders against the said law and order to punishment; and shall, after our respective pay is discharged, acquiesce in the disposing and issuing forth of the remainder by the said commissioners, either as rewards to deserving persons, or for necessaries to carry on the service, and, if necessity require, to lend our pay to provide the said necessaries as the commissioners shall appoint; and, if the Lord shall bless us with so high successes, in returning the overplus to ease the burthens of our dear native country, for whose sake next to the glory of God this design is undertaken.

So that had not pertinacity and weakness blinded the commissioners they would have got the disposal of all into their own hands, only by yielding so far as to give discontented persons (whom by force they could not compel) a few fair words; which I suppose no wise man would have refused, when so much inconvenience must follow the denial. But I myself, being as well a commissioner, was put to great strait, being wholly a stranger to the army, which occasioned Mr. Winslow to think that it would cause the army to disgust me, and so make me incapable of doing any service, having lost the hearts of the officers; for several of them charged me with neglect to them in siding with the commissioners to take away their privileges; for being wont to have pillage when they took any place by storm in England, and so had both pay and pillage; and now being in a strange country, where they had no pay, to be denied pillage, much exasperated their spirits, having no confidence in me; for I had neither officer nor soldiers that had experienced my faithfulness to them, as they were all strangers to me, and I to them. I was necessitated to entreat the officers to entrust me, assuring them I would endeavour their advantage

tage, and that for my own particular I should disclaim any thing of right or advantage, and wholly endeavour theirs; and so intreated them to accept of six weeks pay from the commissioners, if God should give them the place, which they consented to at my request. I moved the commissioners to join with me to assure it to the soldiers; but it was denied me; and then I was forced to make a new request to the soldiers, that they should venture their lives as I should do mine, and trust God for the reward, which they assented to: but withal many of them declared they would never strike a stroke more where there should be commissioners to controul the soldiers, but would return for England with speed; and thus the business about dividing the bear's skin before killed was laid aside and let sleep for a time, but it will wake much more fierce than formerly; for, if it were dissatisfaction at first, it would prove mutiny, when ripe. In conclusion, myself and officers with some of the commissioners propounded and insisted to run the fleet into the harbour of St. Domingo; yet the fleet opposed, and would not, pretending a boom; though Cox, our guide, who but a little before came thence, denied it; so that their denial and refusal constrained us upon a resolution to land at the River Hine; and, hearing there was a fort and a trench, we voted to try to force them; and to that end passed the votes following:

AT A COUNCIL OF WAR HELD ON BOARD THE SWIFTSURE, THE 7TH OF APRIL, 1655, WHERE MYSELF AND THE COLONELS OF THE SEVERAL REGIMENTS WERE PRESENT.

Resolved,

THAT the army land at the River Hine.

That the regiments cast lots who shall land first.

That two or three be landed at once.

That the seconds to each regiment be appointed.

That the ships in which each regiment is transported be ordered to sail very near in company, for the better ordering the several regiments at landing.

C

That

That it be ordered what boats shall take the soldiers in, according as lot and command shall require.

BY MYSELF AND THE FIELD OFFICERS OF THE ARMY, ON BOARD
THE SWIFTSURE, APRIL 10, 1655.

Resolved,

THAT, in case the surge of the sea go high, and the fort and trench be defended, the army land to the leeward behind the second point.

That, after the army is landed, a regiment be ordered to the east of the city, provided general Penn engage to supply them with all necessaries: The regiment is colonel Buller's by lot.

INSTRUCTIONS TO THE SEVERAL COLONELS ABOUT LANDING IN
PURSUANCE OF THE FOREGOING VOTES.

1st. THAT the regiments which land first at the River Hine, (if we land there, and that the ditch at the landing be defended and within shot,) then they are to advance against the enemy, and to pass the same; but if it be out of shot and not defended, then to stand still till all be landed; but if at the more westerly, then to draw up and stand till all be landed.

2d. In case we find no opposition then none to march away, but all in seniority as their due.

3d. The signal a piece of white cloth or paper upon the left arm.

4th. That the word be *religion*.

5th. In case the enemy oppose, each man is at landing to advance to relieve where there is most necessity.

These things, thus ordered, Mr. Winslow came and told me that general

ral Penn had sent Cox forth; and that he seeing a vessel bearing away from the rest of the fleet, asked who he was and what he went about. He was answered it was Cox, and that the general had sent him. Upon which I went to general Penn and asked for captain Cox (who with one Mr. Bounty had been taken in at St. Christopher's as guides, both of them being lately come from Hispaniola, where Cox had served many years a gunner in the castle of St. Domingo): General Penn told me he had sent him forth to gain intelligence. I asked further, if he would return to be our guide when we landed? he answered he would, for he had orders so to do. I replied it was well if he did. I then began to put the regiments that were to land with myself in readiness for landing, delivered out my forementioned instructions to the several colonels; and the next day, when I took leave of general Penn and Mr. Winslow, they gave me orders to prohibit plundering, which I told them I would do by publishing the order accordingly. I then asked for Cox, whom the seamen they say saw a few hours before returning to us: general Penn told me he was before me on board the vice-admiral whither I was then going. I asked for Fearnes and Bounty, that one of them might stay with the fleet when Cox left them to march with us by land, he said they must stay with him to bring the fleet (which any shallop might have done) to an anchor: I replied one of them was sufficient; for that we might want two: but he would not part with either of them. When I came aboard the vice-admiral I was discoursing with some officers about what we were to do, and presently enquired of the vice-admiral whether we were yet fallen into the River Hine: he replied he knew not. I then asked for Cox, he said he was not on board nor returned back that he knew of, since the general sent him; and that he had no guide but one Sabada, a Dutchman, nor any guide nor order for landing at Hine River. I told him it was the place we designed to land at, and that we would attempt that place before we went to the leeward point. He said he durst not venture the fleet without a pilot in a strange and dangerous place. I desired him to send for Fearnes or Bounty, or return with the fleet to general Penn; he said he could not, the wind was against us, and that we must go to the leeward point. I then protested my dissatisfaction at these passages, and so by force was carried to the west point, which occasioned a long and tedious march, forty miles or thereabouts, in a woody country we knew not, and without any guide save Heaven, the land burnt up with a drought, so that our horses and men, the sun being in our faces, fell down for thirst; but if any had the least liquor poured into him he recovered, otherwise died immediately;

mediately; our very feet scorched through our shoes with the sand and gravel, there being no grass save in savanna's, and the heats in the torrid zone at the highest, the nights cold and much dews, which with eating oranges for thirst, wanting water, made our men after their former bad and short diet more apt to the flux; and in this condition we marched four days to come to the place we should and might have landed at the first day, and have prevented all this trouble, sickness, and the enemy's summoning in the whole country to oppose us; and, to add to our misery, many of our men (who thought to have three days provisions) were by some seamen put on shore, by whose fault I know not, with only one day's victuals, so that we were ready to sink down with extreme faintness. At this place we made a signal, and desired to pass over the river. By the votes of the council of war before mentioned, colonel Buller was to land to the east of the city; I gave him order also not to attempt against it, the haven being betwixt him and the city, till the army appeared on the other side; lest, if he were repulsed in so dangerous an attempt, it might heighten the enemy's resolves. But, in case he could not land to the east, then to observe the commissioners orders till he joined with the army. No place being found to land him to the east of the city, he was landed at Hine River the day we came to it, with order not to stir from thence till we came to him; but he disobeyed that order, and marched away with Cox, our only land guide, who returned to general Penn in our absence; which caused us to march ten or twelve miles about, not knowing the ford; to last two days longer, which almost destroyed our weak and fainting men, and brought along with it so many inconveniences as blasted all our resolves; he suffering his men to straggle, it caused the enemy to lay an ambush for him, as himself confessed, into which he fell, and necessity forcing our retreat it encouraged the enemy; all which is evidenced, though death hath prevented me of many witnesses, yet the ensuing letter, which was sent me from a colonel in the army, dated from Jamaica, the 14th of March, 1665, and declares both our resolves as to running the fleet into the haven and Buller's words and actions as is now mentioned:

Honourable Sir,

WHEREAS I hear they accuse you for chusing to land at point Nizarfe, I knew it was not your choice, and all men will believe it when they consider what little command you had of the fleet; and I remember well you were
so

so far from wishing well to a long march that you desired to have landed at the very city itself; but it was affirmed at the debate that there was a chain laying across the mouth of the harbour, to hinder passage, which was affirmed by so eminent a person that none of the pilots would contradict it, whilst they were in the cabin, though I can depose that afterwards one of them, who had not long since been there, did affirm to me there neither was, nor did he believe there could be, any such thing.

What the sufferings of the army were in your march I cannot know, otherwise than by relation and by the experience of my own and colonel Buller's men in a much shorter way, which was but from Hine River to the two new plantations, which could not be above six miles, and yet brought our men to that extremity for want of water that I never heard the like complaint as was the next morning amongst them; a condition we fell into through the forwardness of colonel Buller to march from Hine River, where we landed, and were appointed to expect the army, or that message you were to send to the rear-admiral for provisions, he himself confessing both in his letter to general Penn and Mr. Winslow on board, and likewise to the officers of that party, that he had no orders to march. I likewise knew that a party was sent forth by him next morning, commanded by his major Bland, and guided by Cox, to discover the fort of St. Hieronimo, and to get some intelligence of your march with the rest of the army. He there stayed so long at the meeting of the ways, which was about half a mile from the fort, as colonel Buller wondered at it. I thereupon offered to march with a small party, to know what was the occasion of their stay; and, as I remember Bland told me they were ordered there to remain to expect the army to come up, which he was confident would not be long, if the news was true which was brought to his colonel upon the march the day before, by a soldier who stayed behind at Hine Bay; which was, he saw a man come to the river side with two colours upon a pike. I asked him how far the fort was from where he and his party stayed: he said it was hard by, and that a little within the woods I might plainly see it; which I desired to do, and took Cox as the guide with me; who led me by a small path about musket-shot through the wood to a piece of fallen ground, which lay next adjoining to the fort, and about a quarter of a mile distant from it. Having seen the fort and having Bland's answer, I returned with it to colonel Buller, the party still remaining there till the army's coming up; but as it seems to me that free and often looking on the fort had caused those men to be discovered, and thence brought that ambuscade

ambuscade forth, in whose hands your honour had like to have fallen; for I have heard colonel Buller say he did believe that ambush was laid for his men and not for the army.

This letter was writ to me from colonel Richard Mouldipe, in answer to one of mine when I petitioned and expected to be called to give an account of all my transactions.

THIS FOLLOWING CERTIFICATE WAS WRIT BY MR. HENRY CARY,
SECRETARY TO HIS HIGHNESSES COMMISSIONERS.

I, underwritten, testify that being present in the great cabin on board the Parago, I heard general Venables ask of vice-admiral Goodson whether they were yet fallen in with the River Hine (or words to that purpose) that they might try to land there; whereupon the vice-admiral replied, that they had overshot it as they thought; whereat the general wondering, and saying that it was resolved to land there if they could, he further added that he had no orders to stop there. This discourse happened on the 13th of April, 1655, which I am ready to confirm by oath, if need require.

HENRY CARY.

I mentioned before the commissioners order to me, which as soon as we landed, according as they required, I published that order against all plundering, and that whatsoever was gotten should be brought into a publick stock, and acquainted the officers with the commissioners order, which followeth:

By the commissioners appointed by his highness for ordering and managing the affairs in America, we, taking into our serious consideration upon our near approach to the city of Domingo, a place that we have resolved to make the first attempt upon, in order to the present expedition in the West-Indies, conceive it a just and meet thing that some more than ordinary encouragement be given to the army, and the rather because if God shall please to put it into our hands, we may not admit of plunder, for that his highness intends to plant a colony of English there; and therefore do declare if the said city of
Domingo

Domingo shall refuse to surrender upon a fair summons, and force the army to take it by storm, that then the army shall have one moiety of all that shall be taken, except arms, ordnance, ammunition, and other royalties, viz. of such goods as shall be brought into the public stores: or in case general Venables shall promise them a month or six weeks pay, we shall be ready to assist him in it; provided the place be able to make it good, and we in any measure enabled to carry on the design, and withall provided the soldiers break not this agreement by plunder: and in case it shall be taken by surrender, and that the general shall promise them such encouragement as the said condition will admit, viz. one third part of what shall be taken or three weeks pay, except before excepted, the commissioners will assist the general therein also; and the general is desired to issue out his orders accordingly to his officers, to prevent plunder, and so consequently that ruin which would thereby be brought upon the army itself. Given under our hands this 13th day of April, 1655.

WILLIAM PENN,
EDWARD WINSLOW,
GEORGE BUTLER.

But their spirits were by former*discontents so exasperated, that what would at first have been willingly accepted of with love and thankfulness was now rejected; and the seamen first of all, then all the rest, fell into mutiny; and some said that I was but one man, and so could not hang all the army, and that whilst they had no pay they would have all they could get. Of all which I certified the commissioners, withall assuring them that I now found my former fears to come to pass, that they would destroy my interest in the army by their unseasonable and unreasonable pertinacity in refusing the officer's motions; but, that having discharged my duty in observing their orders and his highnesses instructions, I shall satisfy my own heart therein whatever the event were. Whereupon they sent me a further order, but all too late; for, passion having usurped the seat of reason, nothing would be heard, and the reins of government being loosed, would not now be endured to restrain their will, and my interest being lost, all my endeavours were to no purpose. In this discontented humour we marched in a most sad and miserable manner, in an unknown country, tormented with heat, hunger, and thirst, (myself enduring what the meanest suffered) until the fourth day after we came to the River Hine, where we purposed and might have landed at first, as is before re-

lated; where we were by Cox informed, there was a ford, which we searched for, but could find none in half a mile; and hearing that Buller was marched away and Cox with him, we conceived they were gone up the river to meet us, and supposed the ford was higher above, (but we left it at the influx of the river into the sea, an unusual place to find a ford in, and never thought of) whereupon we marched five miles, but no ford to be found. We quartered that night without water, and the next morning, after three miles further march we found one, and then passed the river, with a resolution to march to the harbour to take in ammunition and provision, and to refresh our weary, sick, and fainting, men with some rest; but, hearing colonel Buller and Holdipe's drums, I desired if possible to send to them to come to us. This being now the fifth day after we had begun with our three days victuals, we marched towards the ships, and finding a farm house with water, we halted thither; and I commanded a captain out with some men to seek out the way, ordering him to enquire of a Spaniard who lay bed-ridden which was the nearest and best way to the river, where our ships rode at anchor; but he neglected to go, because the Spaniard either could not or would not tell him the way, yet never gave any account that he stayed; so that myself, not knowing thereof, stayed three hours waiting his return. At the last, finding he was not gone, I called him out and called some officers to debate, and captain Butler one of the commissioners who was with us all the march. An old Irishman was brought in, who offered to bring us within two miles of a river, where we might come at our ships. Myself was suspicious of him, after examination, lest he came to betray us, (and the sequel proved my jealousy not to be groundless) but captain Butler pressed with great earnestness to believe him, saying he durst pawn his life he was honest, and charged me by virtue of my instructions to follow his advice; and some of the officers being so pressing I durst not refuse, it being part of my instructions to steer my course by the advice of the commissioners, or, by reason of the death or absence of the rest, of one. But after three miles march, and no river appearing, our men fainting, he said he only spoke of water which was near and the ships also; but sending a party, no water within a mile's march was to be found. We met with colonel Buller and his guide captain Cox, who promised water, which was glad tidings. We marched towards it, but colonel Buller's men having quartered thereabouts had rambled up and down for pillage, which gave the enemy occasion to place an ambush, which fell upon our forlorn, whom they routed, and slew several officers (former light matters I pass as
not

not worth mentioning) but were instantly beaten back with loss, and pursued within cannon shot of the town, where our men, being with the skirmish drawn on, forgot that thirst which, when the fight ended, they fainted under; several men and horses dying with thirst upon the place. A council of war being called, and the condition of the army stated, which was this,—some had fasted four days save the fruits they found in the woods, (unfit for men to live upon) their match spent to three or four inches, no water, the Spaniards having stopped up all their wells within several miles, our men fainting, our ships not to be come unto in that place; if we went on, we must leave the town betwixt us and our fleet, and by consequence betwixt us and our victuals and ammunition; we had neither ladders, guns, nor any man that knew the town or country, (for captain Cox was slain in the skirmish). To return was to encourage the enemy and to discourage our men; to carry fainting and almost famished men upon a storm, in a dark night, in an unknown place, where we could not choose the fittest ground to assault, after some had fasted five and all two days, without ammunition, was thought madness; and therefore our former resolutions, from which the Irishman's relation by captain Butler's peremptory counsel diverted us, were taken up as the best. The four miles we had advanced out of our way lost us, in that marching back, many men and horse, through want of meat and water. These reasons were then propounded and since sent by me in a letter to colonel Doyly. His answer follows:

Jamaica, July 12, 1656.

SIR,

FOR the matter of the allegations you mention, and the reasons of our not falling on St. Domingo, though I doubt my relation will be little advantageous to you now, the Protector having wisely and prudently judged your case, not by the uncertain event of war, but by your own deportment; yet I must, in honour of truth and justice, affirm the reasons in your letter to be the very same that were then given, which I perfectly remember.

Your's &c.

EDWARD DOYLY.

We stayed at the harbour three or four days, taking in of ammunition, victuals, and other necessaries, and to refresh our men. We again advanced with a mortar-piece, to take the fort where the enemy had laid his ambush, about a mile short of the town, and two small pieces drawn by men; but when we came to the same place, our men in the forlorn, commanded by adjutant general Jackson, fell into an ambush, going against order without any parties to search the woods, and with their pikes in the rear, contrary to order given at the first landing; in regard that in forty miles march we never saw above three savannas, the whole country being a continual wood, where not above four could march abreast, and an hundred might trouble ten thousand; besides himself having the charge of the party, put a lieutenant and a captain at the head of them before him, and himself brought up the rear. The enemy suffered (without lett) our men to march on, who went just into the midst of danger, being ready to faint with thirst, having marched eight miles without water, and then charged them. The van received the charge and fired orderly, but the rear run away, and Jackson the first man of all. The way being narrow, they ran upon my own regiment, who charged their pikes at Jackson and his men to keep them back, but they would not be stayed, but routed first that regiment, then major general Haynes's. The enemy followed eagerly, gave no quarter, so that the major general and all our best officers, who scorned flight, fell in that action. But the sea regiment coming on, with myself and vice admiral Goodson at the head of them, with our swords we forced the runaways into the woods, rather choosing to kill them than they should route us; which the enemy seeing, retreated; so that we recovered the dead bodies and place of fight, which ground we kept though the enemy's cannon from the fort swept away our men by eight or nine at a shot. The mortar-piece was drawn up to play, but such was the terror or sloth, or both, that had possessed our men, that not a man would work for any reward to plant it. I had now been troubled for a fortnight with a grievous flux, which had so weakened me (besides the pains of the day) that I could not go except supported by two, and thus I went from place to place, as the cannon played, to encourage the men to stand, and to plant the mortar piece; and at last fainting, I was forced to leave the care to major-general Fortescue, who could prevail no more than myself had done; so, resting there that night, to bury our dead, a council of war was called of the colonels and several field officers, where no man dissenting, it was voted, that the difficulty of thirst was not to be overcome, the enemy having barricadoed the way, and placed ambushes, so that we might

might die of thirst (though we should beat them) before we could come to our ships, who near the town had found a place to land water and all necessaries, which they had in readiness for us, as they informed us; and therefore resolved next morning to retreat at sun rising, if the mortar-piece could not play before; which we did accordingly. In this last action our men shewed themselves so heartless, that they only followed the officers to charge, and there left them to die, except they were as nimble footed as themselves; entreaties, persuasions, and reasons, not prevailing to stay them, though they neither were able nor knew whither to run for safety. Our planters we found most fearful, being only bold to do mischief, not to be commanded as soldiers, nor to be kept in any civil order, being the most prophane debauched persons that we ever saw; scorers of religion, and indeed men kept so loose as not to be kept under discipline, and so cowardly as not to be made to fight; so that had we known what they would have proved we should rather have chosen to have gone ourselves as we came from England than to have taken such to our assistance, who we fear, with some others put upon us in England, have drawn heavy affliction upon us, and dishonour to our nation and religion. How sensible the commissioners were of our streights, and the cowardice of our men, let their own letter to the governor of Barbadoes, written in my absence, speak:

S I R,

WE are ashamed of the cowardice of our men, which yet continueth, and were not the enemy as cowardly as themselves, and, they might with a few destroy our army, or else the officers must leave their charge, and charge the enemy in a body together; nor will they be brought to go on again: We mean the body of the army, and, to say the truth, your men and the men of St. Christopher's lead all the disorder and confusion: But, having conferred with the officers this day, they all agree that these people will never be brought to march up to that place again. This hath made us to take up a new resolution, to our great grief and anguish of spirit, viz. to attempt Jamaica in the next place, and therefore desire you to send our stores thither, if they be not as yet sent away; and if the Great Charity be not there, not at all to send our ordnance, mortar-piece, shells and balls for the great guns, but keep them with you till further order; but if the or any other man of war come with them, then ship them in her, and let

let them go with the stores ; but carry the forementioned back to England when the stores are landed at Jamaica ; and, in case they should not find us at Jamaica, then let all return for England ; but general Penn will write to the commander of any man of war of their store ships more particularly, whose orders therein we pray you will have special respect unto, if they shall be produced. Time will not permit us to tell you of every particular, nor to set out the worth of our general ; how he fought by all means to stop the base flight of our men, and how our men, nay horses also, which are of little use in thickets for fight, fell down upon their march, some dying with thirst upon the place ; but if strong water or ordinary water was poured into them they instantly rose up and marched ; how valiantly captain Carpenter has behaved himself. Captain Paulett is slain in this last engagement, but whether of wounds in the back or forward as yet we know not. Thus you see our sad condition. We pray you present our respects to the commissioners for the prize office. That God will be pleased to enable us to make a right use of this great affliction is the earnest desire of,

S I R,

Your humble servants,

*From on board the Swiftsure,
April 28, 1655.*

WILLIAM PENN,
EDWARD WINSLOW,
GEORGE BUTLER.

This clause also in a letter from captain Carpenter, viz. " In the first my horse was shot under me, and I was carried away on foot in the throng, and spake to you as I met you bringing up the sea regiment to our relief ; and beating up the remainder of the major-general's regiment to make them face the enemy, and did afterwards tell you of the cowardice of adjutant Jackson as the loss of our honours, &c." But, not to excuse ourselves wholly, we fear we did trust too much in the arm of flesh, having so great an army as England never sent into these parts before ; and indeed our numbers in this woody country were our trouble not strength. In our first encounter we had some further discouragement from the seamen.—Our sick and wounded men sent on board (for tents and carriages we had none)

none) were kept upon the bare deck forty-eight hours, and had neither meat, drink, nor dressing, so that worms bred in their wounds, and captain Leverington, a gallant man, died thereby; and our victuals sent us on shore (as though we were not thirsty enough) unwatered and candied with salt, so that our men could not eat it till necessity enforced; and general Penn, after our disaster, gave the rear-admiral order, though our victuals were spent and a day more, that he should deliver us none, Mr. Winflow the commissioner being present. The men, which we do not justify, being commonly called dogs, and judged worthy, (the motion being made accordingly) to be left to the enemy, and so set sail for England. This being so horrid a motion, my soul detested it, and I should never have mentioned it had not the neglects and injuries put upon me, with my own just defence, necessitated me thereunto, that the world might see the kindness the seamen were like to express unto us in all our wants and extremity, and as an evidence to confirm the relation of their former hard usage from them at sea. So soon as we were retreated to the sea side, I fell into examination of several miscarriages; where adjutant Jackson was charged, and the charge proved upon oath, that first, contrary to orders and my daily practice, he marched without any party to search the woods to prevent ambushes: Secondly, he took no pikes, or very few, and placed them in the rear, as though he feared our horse only: Thirdly, he put other officers in the van, and himself brought up the rear, near enough to claim honour if it were gotten, and in a safe place to run if there was occasion: Fourthly, he was the first man that was seen to run of the whole party, and would not be stopped; yea, for eagerness to be gone, that he, at the stop my regiment gave him, which caused a crowd, with his hands took hold of them that were before and thrust them aside, that he might make way for himself to be foremost in the retreat; myself coming up, I saw him upon a pillow with a woman by him weeping for him. I, supposing him wounded, asked him how he did?—he replied fore bruised. I asked the woman what her concern was for him?—she said that her name was Jackson, and that her husband was slain. I told her she ought rather to look after her husband than a stranger. All which being proved upon oath before a council of war, he was only sentenced to be cashiered, and his sword broken over his head, and to be made a swabber to keep the hospital ship clean, for the health of those who by his evil conduct and cowardice were wounded. A sentence too gentle for so notorious an offender, against whom some of the colonels made complaint for whoring and drunkennets at Barbadoes; but not being able to prove
the.

the fact, though, considering his former course of life, the presumptions were strong. He and a woman lodging in one chamber together, and not any other person with either; enough to induce a belief that he was an offender, he having two wives in England and standing guilty of forgery: in all which I desired major-general Worley to join with me to acquaint his highness with, that he might be taken off, and not suffered to go with me, lest he should bring a curse upon us, as I fear he did; but his highness would not hear, as Mr. Eaton of Duckenfield Church can testify, to whom major-general Worley related this matter in the Tower, they coming to see me. After this both perjury and forgery was proved against him in the case of colonel ———, a general of Barbadoes, ruined by him by that means. Upon the complaint and with the advice of the said colonel I rebuked him privately, which he took so distastefully that, as it afterwards appeared, he studied and endeavoured nothing but mutiny, and to find fit matter to work upon; as in an army that has neither pay, pillage, arms, ammunition, nor victuals, will not be difficult; but this I came to understand afterwards. We also proceeded against a serjeant, who, in the last skirmish, threw down his arms, crying out, "*Gentlemen, shift for yourselves, we are all lost!*" and so ran away. He was hanged, with his fault written upon his breast. I must now insert a small digression, that during this and the former stay at this place for refreshment, myself being extremely troubled with the flux, having neither tent nor other shelter, and the rains then falling, did for three nights go aboard to lodge in a ship about musket shot from the shore, and returned in the morning. Mr. Winflow came ashore to us and pressed for a third attempt. The officers universally declined leading up of their men, but freely offered to regiment themselves, so to live and die together; for their men, whom they had never known in England, being generally new raised men, or cavalry that had been sent to Barbadoes and often beaten at home, and therefore found it not safe to trust to their courage, which they had experienced to the loss of many of their fellows; but this was declined by Mr. Winflow. Whereupon the commissioners consulted what was further to be done, finding the soldiers so cowardly and not to be trusted or confided in, except raised in their spirits by some smaller success, did therefore resolve to attempt Jamaica. During those debates the soldiers supplies of victuals being kept back by general Penn's orders, as is related, their wants were so great that they eat up all the dogs, asses, and horses, in the camp, and some eat poisonous food, so that I was informed forty-six died with it at once, choosing poison before famine. It being resolved that we should all be shipped to attempt Jamaica, but the officers refused to permit the regiment of
seamen.

seamen to be shipped first; lest, as it was mentioned, they should be left on shore without food, ammunition, medicaments, or any necessaries, to be given up to the mercy of the enemy. But at the last all being got aboard, we set sail for Jamaica, where the first day following we landed in the afternoon; and here, remembering our men's cowardice at Hispaniola, I issued forth an order against runaways, that his next fellow should kill him or be tried for his own life; which one observes was a neglect at Hispaniola; but he had forgot that *ex malis moribus bone leges nascuntur*, and we could not aforehand conceive our men to be so basely cowardly, but hoped they had been Englishmen; but this nameless and shameless traducer shall have a full answer before I make an end. When we came to land, general Penn and myself went on board the Martin galley (which played upon the enemy in the fort and they upon it) the better to order things in the attempt. The wind favoured us here, for, being in the rear of our men, they could not possibly row back, but must vanquish or die; and so I conceive were the bolder (necessity enforcing them), gaining with little opposition the enemy's fort with some guns. It being about three of the clock, the officers thought it best not to march thence that night wanting guides, for if they should want water (which was there to be had) the men being already, with want and bad diet, very weak, might be endangered; besides, the enemy might be in an unknown place, when they would not have day to view all passages and advantages, and fall into their quarters; whereupon it was deferred till next morning: which being come we began our march with the sun, and about noon came up to the savannah by the town, where two or three Spaniards at a distance made some signals of civility: I commanded so many to go to them, they then rid away, and presently made a stand. I commanded one well mounted to ask what they would. They desired a treaty. We told them we would treat when we saw any authorized from the governor. Whereupon they went away, and next morning a priest and a major came to us, to desire a treaty, and that they would give us in reason what we could desire. I told them we came not to pillage, but to plant; and withal, having been long at sea with salt meat, I expected they should send us in an hundred cows daily for our supply of fresh meat, and cassivina bread proportionable, or without those supplies I would not treat. Whereupon they sent us in cattle, but not bread, alledging they had not enough for us. We presently set commissioners to work, but they desired that our men might not straggle for fear of their mulattoes. We told them they were their servants and at their command, and neither durst or would do any hurt

but by their command or connivance. The treaty went on, and the articles were concluded on as follows:

IMPRIMIS, That all forts, arms, ammunition, utensils, and necessaries for war, of what kind or nature soever, (except what is hereafter excepted) and all kind of shipping that now is in any harbour of this island, with the furniture, sails, apparel, ammunition, ordnance, &c, thereunto belonging; as also goods, wares, merchandizes, or what else is upon the said island, be delivered up unto the right honourable general Venables, or whom he shall appoint, to receive the same for the use of his highness Oliver, the lord protector of the commonwealth of England, Scotland, and Ireland, before the day of this instant month of May, without any deceit, embezzlement, or concealment, whatsoever.

SECONDLY, That all and every the inhabitants of the island (except the hereafter excepted) shall have their lives granted, and shall not be abused in their persons; and that those of them that shall desire to depart this island shall, with their wives and children, be transported to some part of Nova Hispania, wind and weather permitting; or otherwise to some of the king of Spain's dominions in America, they providing their own provisions and victuals necessary for the voyage, the which they shall have the permission freely to do.

THIRDLY, That all commission officers, and none else, have liberty to enjoy or wear their rapiers and poignards.

FOURTHLY, That liberty shall be given to all that shall depart according to the second article, to carry with them their wearing apparel and any books or writings they shall desire.

FIFTHLY, That all artificers and meaner sort of inhabitants who shall desire to remain on the island (except hereafter excepted) shall enjoy their freedom and goods (excepting slaves) they submitting and conforming to the laws of the English nation, and such others as shall be declared by authority to be put in use and exercised within this island.

SIXTHLY, That all goods and necessities as well household as for draught be

be continued at the several habitations and *estancias* to which they belong, and that all such goods as have been conveyed from the places to which they belonged respectively, and concealed or embezzled, be returned unto the several habitations unto which they appertained before the day of this instant May, and that an account be given in thereof unto the said right honourable general Venables or his deputies, according to the tenor of the first article.

SEVENTHLY, That nothing in the present articles be understood to extend to any person that came to this island upon a former attempt, under captain William Jackson, and then forsaking their colours, revolted to the enemy; and that the governor do deliver the said persons unto the power aforesaid.

EIGHTHLY, That such hostages or *rehenes* as shall be desired be given on the part of the inhabitants for the true performance of these articles, also for the safe return of the English ships that shall be appointed for the transportation of those that desire to depart this island.

NINTHLY, That, in order to the transportation of those that shall depart, the number be certainly known, that convenient shipping be provided accordingly: It is agreed that the master of every family, or other free person of the inhabitants of this island that shall depart, do within days after the date hereof bring unto the said right honourable general Venables, or his deputies, a perfect list of all the persons of their respective families for whom they expect transportation, according to the preceding articles, as likewise the names and number of all the servants and slaves that belonged unto them on the day of this instant month.

TENTHLY, That a true list of all other the inhabitants and free men of the island, with their names, titles, qualities, and occupations, together with the names of their wives, children, servants, and slaves, be brought in to the said general or his deputies within days after the date hereof.

ELEVENTHLY, That for all such persons whose names shall be so delivered at the port of Caguaya, to such as shall be then appointed by the general

general of the fleet to receive the same, for the use of the said persons to be transported, all slaves, negroes, and others, be required by their several masters to present themselves upon the day of this instant May, before the right honourable general Venables upon the savannah before the town Caguaya, to receive such favourable concessions as are intended to be made unto them touching their liberty.

That all persons that are to be transported be ready at the port of Caguaya before the day of May, or be utterly excluded touching their liberty from the benefit of these articles.

The commissioners for us were major-general Fortescue, vice-admiral Goodson, colonel Richard Holdipe, and colonel Edward D'Oyly.

Signed by these and the Spanish commissioners. I have the original of these in Spanish, but whether rightly translated or no I cannot say, because I understand not the language.

The articles being signed by the commissioners, I demanded the commissioners as hostages for performance, and kept them and the governor, whom I fetched in as hostages; but there was a colonel amongst them, an enemy to the governor, who persuaded the people (being a man of interest and authority amongst them) that if they did drive away the cattle they might starve us away. One of the commissioners sent his priest, who was a discreet negro, to dissuade them from this course, but they hanged him. Whereupon this gentleman Don Acofta, a Portuguese, to revenge the death of his priest whom he loved, directed us how to recover all the cattle, informing us whither they had driven them into the mountains, and that they must come into the plains to drink, which fell out accordingly.

I was also informed, about this time, that the soldiers straggled abroad to kill cattle; and in regard the country was woody, except they shot them dead (which was not usual) they ran into the woods and there rotted; so that, as I was assured, some hundreds were found thus dead; which course (if suffered) would in a short time consume all the cattle, and then the army must starve. To prevent which mischief (the men being sometimes slain by straggling) I ordered that no private soldier should henceforward

forward go forth to kill cows alone, but that commanded parties should constantly be sent forth to fetch in cows for the army's necessary supply; and for the future we were constantly furnished with beef, and this was not (as Mr. I. S. said) starving in a cook's shop. And this rule being observed by colonel Holdipe, he had cattle, but bread we extremely wanted, which was sent us with a straight and slack hand, and also very bad, as the following letters will evidence, writ into England by some gentlemen to their friends, who since gave some of them (and copies of others attested under their hands) to me:

Jamaica, June 4, 1653.

LOVING BROTHER,

THESE are to let you know that we are at the island of Jamaica, which is a very good island, very fruitful of cattle at present. We are possessed of the town and of their houses, and the people are fled into the mountains, not daring to fight us; so that now we are spreading our army into the country to quarter, and to prevent the enemy from getting provision; so also to plant for our own relief; for our shipping not coming to us hath put us to great loss and hardship, so that all the loss we had at Hispaniola was occasioned thereby, for want of arms, provisions, and of guides; but you will hear all, and more than all, by some that went back from us; some of which I suppose came only to see golden mountains, and to plunder, not expecting to meet with so many difficulties as we met with; which was much occasioned by some misinformation that my lord protector had of the great supplies of men and provisions that we should have at the island, which was much to their and our hurt; for they did for us what they were able, and the men we had from thence, for the most part proved good for little. I dare say that one thousand of our soldiers that came out of England or Ireland is better than five thousand of them; for they have been for the most part such old beaten runaways, as that they know how to do little else except to plunder; and for those we carried out of England we now find, by sad experience, that but few of them were old soldiers; but certainly most of them were apprentices that ran from their masters, and others that came out of Bridewell, or one gaol or other; so that in our poor army we have but few that either fear God or reverence man. But blessed be God those that are in chief place are godly, and we have godly teachers among us;

to

so that I hope God will carry on his work among us, and I hope that the Lord Protector will be careful to send better men, I mean better soldiers, and as many godly men as may be; for certainly we had a great many bad commanders as well as bad soldiers. How they got in I know not, but Barbadoes did discover many of them, and God will, I hope, discover them more and more, and weed them out from among us. Our enemies having much time to fly away before us, did carry the best of what they had with them, they having so many horses and carts to carry with; for this place doth abound with horses, so that we have mounted divers of our men, and are about to mount more, they being of such special use to us as we find them to be. But I hope ere long they will all fall into our hands, for on the mountains they have little to live upon, and but two narrow passages to come down, which we have sent to block up; so that I hope that work will be short. You will too soon hear what commanders we lost before St. Domingo, but among the rest major Fergusson was slain the same day and time that major-general Haynes was slain. Tell Mr. Partington that his runaway apprentice came to me to send him home; he would be glad of the scraps that come from his master's table; for indeed he and all the rest of those runaways God hath met with them to purpose; for indeed great hath been the hardships we have met with, and the streights we are now in are very great; for these seventeen days we have had but three biskets of bread a man, neither officer nor soldier, and sometimes little or no meat for two or three days together, and when God will send us supplies we know not. We find it somewhat difficult to get cattle, and that is the most we live upon; and it is not a few that we shall spend in six months; but our eyes are towards him that knows what is good for us. We had yesterday some of our enemies brought in, and hope God will bring them all in, and some of our ships are come in, but it is but little provision they bring us. So not having else at present, I rest,

Your loving brother till death,

DANIEL FLOW.

THESE are to certify those whom it may concern, that I, being now again to go to sea, thought it convenient to leave a few lines behind me, touching what I have formerly said in relation to our voyage to the West Indies, having had several debates concerning the same with several

tal commanders and other persons of quality about this city, and not knowing what some may say in my absence, left this for vindication of the truth by whomsoever spoken :

Question 1st.—The great question hath been, for the most part, how it came to pass we had so bad success in our voyage ?

Answer—That it was God's handy work, for the sins of the nation, as also for our sins, who were very unfit instruments for such a work ; being for the most part such as were not soldiers, and but few that were not more than ordinary wicked and debauched : and that not only private soldiers but several commanders also, which might justly provoke the Lord against us.

Question 2d.—But what might be the cause, was it through the bad carriage of the generals, or through want, or how do you conceive ?

Answer—Herein I shall give a relation in the presence of the great Lord of Heaven and Earth, according to truth, as I did apprehend things to be through the whole voyage. We had from Portsmouth to Barbadoes a very comfortable and speedy passage, where we lay about ten weeks looking for our store ships, both for ammunition and provision ; and, seeing no supplies to come, did fear some trouble in England that might possibly hinder. We feared the danger of the sea also, but it did appear that (we were necessitated to take arms) it was God's own handy work, to prevent our store ships from coming to us ; by which means we were in present want of arms and ammunition, as did appear, that we were necessitated to take arms from the islanders, and to make half pikes of cabbage trees and other wood, which proved very useful, and our arms very bad which we had, and some had none at all ; which made our men very heartless. Further, when we set sail from Barbadoes, we then went six men to four men's allowance ; but all this while our men had their health well. But when we were brought to Hispaniola, and to land there, we had but three days provisions, and divers soldiers being put out of their ships the day before into small vessels, and when we landed there was one day spent in landing ; so that then there was two days provisions spent to some, and one day to the whole ; so that many had but one day's victuals to march with, and the rest but two, with which we marched up to St. Domingo, and drew off again, and was till either Thursday or Friday before we had any more victuals, we landing on Saturday morning ; in which

long march we were several times in want of water, to the great prejudice of the army.

Question 3d.—But why did you draw off again the first time from St. Domingo?

Answer—We were necessitated to it for want of water and provisions; for I do think, had we stayed till next day and not have taken the town, we should have lost more than half the army; for, drawing off that night, the army being so weak with want and weariness, we could hardly draw off, and many doubtless were not able to draw off, but were lost.

Question 4th.—But how came you to be so routed again the last time, when you went towards St. Domingo.

Answer—Doubtless there was a great fault in Jackson, who commanded the forlorn; for that they were so easily routed: for this you are to know, that if a forlorn be routed in such a place as that was, where but four could march abreast, and that those that are routed turn in upon the body, that must of necessity breed a great confusion; and this was our case; and most of those men were either no soldiers, or old beaten run-aways in England, Scotland, and Ireland, and so by their running, or endeavouring so to do, routed those who would have stood if they could; many of which were slain and trod down in that throng, and doubtless it fell upon the worst regiment of all those that went out of England, for that they had the most of those new raised forces at Barbadoes, many of which were good for little; and indeed this I must say, that of those we carried out of England we found there was but few old soldiers; for I am of that judgment that we had not above one thousand old soldiers in our army.

Question 5th.—Why did you draw off again and not march into St. Domingo?

Answer—We were not able to do it, our army being then so weak and no water to be had, and we nothing to carry it with us, were forced to draw off in the most private way that could be, lest we should there lose all.

Question 6th.—Why did you not march up again?

Answer—The general calling a council of officers to advise with, they did unanimously refuse, as judging the army not in capacity so to do, and

and the rather for that we were that time about three or four days in which we had no provisions at all from the ships ; in which time horses, asses, and dogs, were good food to our poor soldiers, and in which time men fell down apace.

Question 7th.—But why did general Venables suffer that, being one of the commissioners ?

Answer.—He could do no more than he could do, it being in the hands of general Penn ; and this I remember, that, a little before major-general Haynes was slain, I asked him why the regiment of seamen took place of our regiment, colonel Carter being established in England, who I had heard before took offence at it. His answer was, that he desired me to speak no more of it, for that they were forced to comply with them what they could, to get that which was their own, from which I gather, that the fault was in general Penn and not in general Venables. —Thus being again necessitated to go on board to get to some other place, God so ordering it by the hand of his providence, as to bring us to Jamaica, where we landed with a small portion of victuals for two or three days ; having been kept on board at half allowance to no allowance ; for in seventeen days we had but three biskets a man, and those the worst I ever saw before or since to my best remembrance ; in which time during the treaty with the Spaniards, and their flying away from us, all other things were hard to come by, for that the Spaniards at their flight drove away their cattle.

Question 8th.—But why were not the soldiers suffered to go abroad to get what they could ?

Answer.—For that they were commanded, upon pain of death, not to go forth but by order, and that for these reasons :—1st. Because the Spaniards had promised within so many days to come in and bring what they had.—2d. For that after their flight they did kill divers of our men that did straggle abroad, so that it was thought better to send out in parties, and a commissioned officer or more to command the party.—3d. Because that those that did straggle did do much spoil in gathering fruits not half grown, which doubtless was a great cause of want.

Question 9th.—Was any punished according to the rigour of that order with death ?

Answer.—No, but some were made prisoners, and those who were
eminently

eminently guilty, and some had rid the wooden horse, and two who were notorious swearers were whipt and burnt through the tongue, for that and other misdemeanors ; which was done in the time of general Venables' sickness a little before our coming away.

Question 10th.—But why should any be punished for going abroad to get relief?

Answer.—Their going abroad was not only hurtful to the army, in spoiling cassava and fruits, but also in making the cattle wild; for they were not so wild but might with ease be drawn into pens with men on horseback; but our men shooting at the cattle wounded many, and killing but few, made the cattle wild, and to run further from us, and much harder to come by; for I heard captain Jones's lieutenant say, in two days being sent to fetch in cattle, he had seen about fourscore wounded cattle in the woods, some having their guts trailing after them; so that few were to be seen before we came away in those places, where there were thousands to be seen before, which being suffered must needs bring scarcity.

Question 11th.—But why did your general come home?

Answer.—That one main reason was, he was generally thought the fittest man to come home, for he was best able to give an account of the affairs of the army to his highness. Further, he had not his health, and the doctors said he would die if he did not soon go on shipboard; also he came with the consent and, as I conceive, at the desire of the major part of the field officers.

Question 12th.—But how did general Venables carry himself in his place?

Answer.—He did in my judgment carry himself like a godly, valiant, discreet, general, exposing himself to the greatest danger, and sharing with us in our wants; and one that did in his place endeavour the suppressing of sin and the promotion of godliness, and one that I conceive would have done it more had he fit instruments for his help in that kind which I conceive was much wanting.

DANIEL HOW.

Here also followeth some abstracts of a letter from Mr. John Daniel, of our affairs, to his brother colonel William Daniel, governor of
St.

St. Johnston's in Scotland; from whence I received the particulars following:

Jamaica, June 13, 1655,

WEDNESDAY and Thursday we hovered off Hispaniola in councils; and concluded the certain possession thereof without blows, (sharing the lioning loving skin) with such assurances as I believe much displeased our gracious God, that hitherto had brought us safe: and by commissioner Winslow (always irresistible) affirmative death was ordered for any soldier to plunder or diminish the least; which, being proclaimed at the landing, proved fatal to the army. One regiment of seamen joined with us. Our best councils advised to run into the town and harbour of St. Domingo suddenly, before knowledge of our approach, and that had certainly carried our business. The seamen no sooner hearing the proclamation against plunder, laid down their arms, and so most of the army by that example; though much sweetness was used by the general; but no cordial could mitigate that poison: Yet, seeming cheerful, they marched that day, Sunday, and Monday, through rough woods, some savannas, and rich valleys. A plentiful island but very scarcely watered, which with the heat and hard marching parched all with drought. Monday the seventeenth of April colonel Buller's regiment, with five hundred of colonel Holdipe's, landed in a bay safe, near a fort where sir Francis Drake landed, about ten miles from the town of St. Domingo; and approaching that fort, the enemy quitted the same, leaving two great guns dismounted, and the walls they endeavoured to dismount as the time would give them leave, which made colonel Buller pursue his march towards the town, through the narrow passes of the woods, and by a guide was misled to some plantations vacant and waterless near a strong fort, within three miles of the town. No sooner was colonel Buller marched from Drake's landing place, call, or view, but the general with the main army, after thirty miles tedious and weary march, came hungry, thirsty, and tired; and, being informed by a message from the rear-admiral who rode there to secure that fort or landing-place and watering, that colonel Buller was marched to the town, and the tide being come into the passes of the river (forded by colonel Buller) which the army could not then find fordable. The general immediately marched along the river to a sugar work, lodging that night upon a savanna without water, seven

miles from colonel Buller; and the next day, the eighteenth, we marched, and met with colonel Buller near the strong fort in the town road, where the enemy had ambuscades, and lined the woods; fell into our forlorn, killed adjutant-general Walters and captain Jennings, commander of the reformades, captain Cates of the sea regiment, captain Cox of the firelocks, the general's secretary Mr. Temple, and the commissioners sub-secretary Mr. Murford, who all with the general expected no such salutes; yet, by God's providence and mercy, his excellency was miraculously preserved. The army then enraged, beat the enemy, took their ground, and recovered all the bodies, and had not extremity of thirst, hunger, weakness, and night, resisted, would have that night entered the town; but, necessity has no law, all impatiently cried water, and some fainted, which regretfully caused a retreat at ten o'clock at night, and no known water, nearer than Drake's landing-place. With a strong rear-guard to preserve the faint and sick men, we came Wednesday to the said river and fort, to our shipping, and refreshed our weary limbs and fainting spirits in consultations until Tuesday the twenty-fifth of April. The sea general all this while hovering before the town five leagues off the fort (where Mr. Winslow being) no consultations could come to action without his and general Penn's stamp; which made our noble and unwearied general to have so many dangerous passages in little brigantines to windward, for their consenting advice, which, every time differing, caused so much delay, embarrassed our soldiers, encouraged our enemy, and gave time for all possible resistance to encrease their numbers, effect their councils, and espy our weakness. We having no intelligence or knowledge of the country, our chief guide, captain Cox, slain, feeding on the worst of salt beef, unwatered, with all the mouldy broken dirty sweepings of the ship's bisket, which the false stewards could give us, allowing us no brandy or comfortable liquor, caused such immoderate desire of water, which that river (coming from a copper mine) afforded rather to encrease than quench thirst; and the rain nightly pouring with fogs and dews along the river, so soaked our bodies with fluxes, none escaping that violence, that our refreshment proved a weakening instead of a support. However, another march was resolved, a small mortar-piece borrowed at Barbadoes, with ten shells, and two small drakes, and some blunderbusses, got ashore, a very little proportion of brandy allowed to cheer our men, of which a good spoon might have held one's share, then highly fluxing; no harness nor horses to draw, but all drawn by some soldiers, mattocks and spades carried by others, which with their calabashes

calabashes of water, knapsacks, bad arms, &c. spent our strongest men; the weak unserviceable. Tuesday the twenty-fifth day of April we marched, and lay that night in the woods. Wednesday, adjutant-general Jackson, commanding four hundred in the forlorn, advanced near the fort to the town, where disobeying his order to have two wings on each side the woods for discovering ambuscades, and cowardly neglecting the duty of his place (I doubt treacherously,) put captain Butler (a stout but unexperienced soldier for such a design) to lead the forlorn, who innocently fell into their ambuscades, but most bravely behaving himself with his division, fought it to death, and very orderly brought up his men until slain; so did captain Pawlet of the firelocks fight to death, whom Jackson seeing fall, instead of relief, faced about and basely ran away. Thereupon all the forlorn immediately, as a torrent in a narrow passage streightened on a sudden makes furious way into the sea, tumbled into the reformades, they all as suddenly tumbled into the horse, they all mixed like a mass (in so narrow a pass) not able to contain above six abreast. The close thick woods encompassing the sides, where the enemy was lodged to flank us, and the fort great guns loaded with small shot, bits of iron, broken pistol barrels, and such mischief, had full power and sure aim all along that narrow pass; they in the same moment routed the general's own regiment, and, altogether mixed and crowded, fell into major-general Haynes's regiment; never was any thing so wedged as we, which made the enemy weary with killing; and had not the rear part of major-general Haynes's regiment drawn into the woods, and so counter-flanked, beating back the enemy to the fort, regaining all the ground, bodies, and ambuscades, even under and beside the very fort, (which was maintained all night,) our whole army had been in that sudden motion disordered and confused. Jackson sneaked into the bushes, like an old fox, and saved himself. Our most gallant, noble, and valiant, major-general Haynes, with whom and near his person (at his own great desire) I was myself all this while, was slain, lanced through the body, yet regained and brought off by his own regiment: this was a great loss, as our major-general, his lieutenant, colonel's clerk, died of their wounds. Major Forgison of the general's regiment, captain Butler, captain Pawlet, captain Hine, captain Hancock, with many lieutenants, ensigns, and all the reformades, only seventeen excepted, got into the woods, and many hundred soldiers, with the loss of nine colonels, that is reformades, captain Pawlet's of the firelocks, five of the general's regiment, and two of the major-generals, to the great dishonour of ourselves
and

and nation. Yet what God will must be done, and this our affliction I hope will turn to mercy, if we be humbled as we ought. Thursday the twenty-seventh of April, early in the morning, our general demanded of captain Hughes, whether he could play the mortar-piece; who answered no, for the fort had such command over all those places, that it would beat them from it. This I heard him say and confess. Whereupon, considering the soldiers weakness, want of victuals, and most of all water, and also the former discouragements, a retreat was privately concluded, a strong rear-guard appointed, the ten mortar shells neatly buried, our mortar-piece, drakes, spades, and shovels, all drawn off, and we safely all that day got to our old landing-place and fort. There we stayed our general's many goings to general Penn and Mr. Winslow, and every return created new councils; the rain increased, our men weakening, all even to death fluxing; the seamen aboard neglecting us forced us to eat up all our troop horses, the enemy driving all relief from us, triumphing in these our encreasing miseries. Our councils resolved by seeking God to purge the army. First, Jackson found guilty of cowardice, had his sword broke over his head for a coward, his commission taken away, and *ex* the army, and so to be swabber to the hospital ship of sick people; which was accordingly done. Some women in men's cloaths we punished, and all suspected whores narrowly sought after; all officers strictly commanded to observe duty upon greatest pains. One of the major-general's (now Fortescue) soldiers proved to run away hanged, and indeed, like a wise prudent general, all things by him ordered; yet our sickness increasing, it was resolved again to ship directly for Jamaica, where God hath owned us. I cannot now omit to express something concerning this our business, which I am sure the world will mistake in reporting; but myself being a present eye witness there on the place, and amongst the crowd in the midst of danger, near the major-general's person, I have not, neither shall I relate, any thing but what I know for certain truth. I know a three-fold cord cannot be easily broken, but when they twist not equally together they many times cut one another; and thus I am sure that in martial affairs, where commanders should execute like lightning, and those variable as the wind, according as the present emergency requires, and not go for consent of others to the loss of all. -I well know his highness would never submit in all his past actions to such curbs, nor can brave designs ever succeed with such bridles, which I hope to be amended.

The

The original of another letter from Mr. Daniel to one Mr. Stirrope, to the same purpose, I have by me, and therefore I forbear to insert it.

I then, being very weak, ordered the council of war to fall about the distributing the army into the several plantations, that they might fall to work and live (for the future) upon their own endeavours, and fix plantations to be supplied at hand (Europe being far off) for the further carrying on the design, in what other place should be judged most fit to attempt, according to my instructions. I sent also several parties abroad to discover the country, and attempt upon the enemy, and to secure the passes into the mountains; who returned with some prisoners and pillage, and shortly after most of the regiments were sent to their several plantations as it fell to them by lot. I pressed again for bread, but it was answered the men must work or rot: I replied their present labours must stay a time to receive a return of a crop, and, if they were not supplied till they did reap the fruit of their endeavours, they would certainly be lost or rot before that day; but all, as above-witnessed by letter, did take little effect upon those who regarded not our misery and sufferings.—About this time I dispatched some letters into England to give an account of our condition.

A LETTER TO SECRETARY THURLOE, JUNE 13, 1655.

SINCE my last we have only taken some prisoners, the rest continue in the mountains wanting houses, bread, and willing to submit, if not awed by a few and discouraged by some soldiers that are unruly, occasioned by extreme want, which to redress was the work of this day, and we hope to make them good subjects, being most of them Portuguese. The Spaniards we shall remove, and endeavour to gain all of them by our civility.

We struggle with all difficulties, about two thousand men sick. We fall short both of bread, and brandy, &c. of what was promised and believed to be provided for us. We have not three weeks bread, and little cassava in the country, of which the enemy steals a share. Our men die daily, eating roots and fresh flesh (when any food is gotten) without bread or very little, we not daring on a sudden to take them from bread; by degrees accustoming them to want that which none will have five weeks

weeks hence, at half a bisket *per diem*. There must some block-höuses be erected at the harbour's mouth, were our men able to work at such hard labour, though I fear indeed they will not be able to plant cassava to feed them, or other necessaries to preserve life, many preferring nay desiring death rather than life, though they have recovered their hearts (courage I cannot say they had) which they lost at Hispaniola. Yet I am confident they must not be the men must carry on this design in the field, it may be they may in the country by planting, for I am confident had we raised men over England at a venture we should have been better fitted than by those assigned us; these with some other reasons have moved the council of war to desire me (if the Lord gave health) to present our condition to his highness and council, with some expedients which at present are not resolved upon; neither am I able to enlarge, having quite spent my spirits, to give some competent account by general Penn, who yesterday visited me, and told me he resolved for England to-morrow, a warning too short for me to be large, who am so weak after five weeks flux, only some few days intermission.

The inclosed is a true account of the island, which for commodities, air at least, equals any situation among the Spaniards, and exceedeth Hispaniola in the judgment of

Sir, your very obliged servant,

RICHARD VENABLES.

A LETTER TO MR. NOEL, JUNE 13, 1655.

I RECEIVED yours concerning Mr. Blake, and the other expressing my lords mind in the managing this design, which at present we cannot put in execution: first, because it was not positive in our instructions but conditional: secondly, in regard there are but few plantations all along that coast to Carthagená, and in consequence not victuals for us: thirdly, Carthagená itself is five miles distant from any fresh water, and is supplied only with rain water kept in cisterns; and so we were not able to stay there any time: fourthly, our tents not coming nor our stores, we doubted the rains (which would kill us all) would overtake us before we could gain any place of shelter, or make one; they usually on that coast

coast, falling in the beginning of April, and destroying the natives if lying in the open air, as we must, and our men raw and unseasoned to the climate. You were pleased to assure me, by the colonel and commissioner Povey, that one hundred tons of brandy were put on board the fleet for the landmen, as well as the seamen. We find a very great failure in this, and our men die daily, as the physicians tell me, for want of it and bread, of which none must taste five weeks hence, at the rate of half a bisket *per diem*; and fresh flesh and roots put them into fluxes, which sweep them away by ten and twenty *per diem*. Frequently our planting tools fall very short; we must have more; forty sets apiece for smiths and carpenters. I am informed that much of our cloathing is spoiled at sea with wet; a supply of this also, with store of iron and steel, shoes, and linen, we want most. Match and flint waste daily, and not to be supplied here. Ammunition also, and a new squadron of ships. But I earnestly desire you to press hard for swords and targets, and black jacks; without the last not a man can march in these torrid regions, where water is precious and scant; and without the other we shall do little service in these perpetual wildernesses. And if you forget brandy, bread, meal, pease, and rice, never expect good of all that hath been expended, nor probably to see us alive. Our wants are great, our difficulties are many. Unruly raw soldiers, the major part ignorant, lazy, dull, officers, that have a large portion of pride but not of wit, valour, or activity; but this must not be made public. though I desire my lord may know it, but no more. Good sir, stir for us with vigour, and you will ever oblige,

Sir, your very humble servant,

RICHARD VENABLES.

A LETTER TO MR. ROWE.

I MUST of necessity inform you of a jarr that hath lately been betwixt captain Butler and myself, upon information given me of his setting the officers in disgust against me, of which several complaints were made unto me; whereupon I told him of it, and indeed called him drunken sot; for when the treaty was betwixt the French governor and us, he was so drunk that he fell from his horse and vomited, of which I have sufficient

ficient witness ; and my lord protector as much derided by them, for employing such a man as he was in so honourable employment. Pray, sir, if there shall be any blemishes cast upon me or the army, move the council that they will not credit any rumours, but leave their own thoughts free till they have heard all parties, and judge upon clear proofs and grounds of reason. That the old adage, viz. *audi alteram partem* may be my share is all I wish. I have enclosed sent you a copy of a part of a letter to Mr. Secretary Thurloe. Besides my weakness, and the scattering of the regiments into several plantations of the country, and the departure of the commissioners and fleet which should transport from place to place, and want of provisions, renders me incapable of doing more service to my friends.

Sir, I am your very humble servant,

June 14.

RICHARD VENABLES.

THESE things dispatched, general Penn prepared to return, and notwithstanding all entreaties, and his own promise to stay with us till a new fleet came, which was urged, would not be diverted ; but before he took leave he sent to me, in June 1655, to sign a post commission, dated December the 8th, 1654, for Mr. Poole his nephew, to take charge of the prizes, and at the same time a warrant for his discharge from that place, which contained an acquittance also ; both which I refused to sign, and by letter gave him my reasons, desiring that there might be an auditor settled for that and all other accounts that did concern the state, but was refused ; but my signing the warrant and acquittance earnestly pressed, which I as constantly denied. The discharge was not inserted, but the sum of his pay left to me to insert.

BY THE COMMISSIONERS APPOINTED FOR ORDERING AND MANAGING
THE AFFAIRS IN AMERICA.

Jamaica, ff.

WHEREAS, we lately issued out a warrant to Mr. William Poole, prize officer, requiring of him to deliver unto Mr. Samuel Crave, succeeding

ceeding him in the said employment, a perfect account of all such prizes and prize goods as he the said William Poole hath been hitherto intrusted withal; and that we find, by the receipt of the said Samuel Crave, that he hath fully and intirely performed what was required of him by the said order, we do therefore hereby declare, that we fully and completely discharge him the said William Poole of the said employment of prize officer, and in consideration of his pains taken therein, and faithful account.

THERE were also letters writ by some of general Penn's officers to some of my friends, to entreat them to persuade me to sign the warrant at least, but all prevailed not with me; therefore I writ him the following letter :

Your's found me in a most weak condition, my flux as violent as ever; no rest the last night nor this day, which makes me make use of another's pen. Concerning the auditor, it is the place not the person I desire to settle, and without which the state will be a great loser; and yourself gave directions here to draw an order for the same, though since Mr. Cary has assured me you denied to sign the order. But as to Mr. Poole, truly I do owe the gentleman all just respect, and shall pay it, but cannot in this particular; and therefore must remind you of former passages at Barbadoes. We intended to settle a prize office, and, upon your mentioning Mr. Poole, his honesty, and ability, we offered to commission him; you answered you had done that already. We answered, without our hands he was not our officer, and we must join others with him. The commission was pressed by us to be accepted; invoices, bills of lading, &c. called for; none could be got; till at last a copy of some examinations, and a copy of invoices brought in, which was delivered by Mr. Cary, and immediately by Mr. Poole borrowed back, and could never be got again, though often demanded; and yourself answered you saw it delivered in (when it was not to be found) which we acknowledged, but wondered, until Mr. Cary told the reason before mentioned. Our warrants to him to deliver any thing we declined, and yourself did answer you would order him to issue forth what we desired. We never had a check upon him, never saw the original invoices or his accounts, which caused Mr. Winslow and myself to resolve to meddle no more in it, only to receive what was tendered to carry on the expedition; so that how I can vary from that resolution I see not, being as ignorant of what he has done as the meanest officer that serves under me; and though I do not intend

tend hereby to blemish the gentleman's integrity, I desire not to be so understood, but profess I cannot see how I can justify myself should I discharge him (as the paper tendered me doth) from all things; and yet know nothing nor see any charge against him, save what himself (a thing unusual) bringeth in.

The letter to his highness I have altered, to satisfy captain Butler; left out the beginning, and made the latter part what was first agreed upon; for as it now is altered it speaks a plain advice from me for your return, which you know I never declined to give. Concerning the ordering the fleet that stays, I have reason to be pressing, being so much interested with the whole army in it, and having a vote in all things that tend to advantage the present design, yet like to know nothing till you are gone what our condition will be, and if my expectations be against what you order, it is not possible to rectify the same. I desire it again, that so we may see if any thing be amended in it. Sir, your civilities more and more engage, and my power to acknowledge (I dare not say requite) lessens. I pray disfigure not yourself for him whose weakness does not a little stagger the hopes of a speedy voyage, though I know God can raise from the dust. Your trouble and want of Mr. Lawes I am sensible of, being myself under (I am certain) as great difficulties. My service to the vice-admiral and rear-admiral, with the rest of your officers, and captain Poole. I beseech you, sir, think not prejudicially of me, that I cannot comply with your desires. I shall in any thing in my power manifest myself

Sir, your very real servant,

June 18, 1655.

RICHARD VENABLES.

HERE followeth a certificate of Mr. Henry Cary, secretary to his highnesses commissioners; who, being present at all debates, knew all transactions; and was more concerned than ordinary about this business of prize goods. He fell sick in Jamaica, and in the presence of several drew the following relation, and, had not weakness prevented, had enlarged it to all other occurrences, according to a letter he had writ to the right honourable the lady R—— viscountess Ranelagh; who finding the letter did much clear my innocence, shewed the same to Mr. Secretary Thurloe, who

who desired it from her honour to shew it to his highness, but would never return it back again; by which means I am deprived of a most singular evidence as to my vindication, though that honourable lady is ready to testify what I assert. But necessity hath confined me to what followeth:

Mr. Henry Cary, secretary to the commissioners, is ready to depose upon oath, being the expressions of a dying man, that having been an eye-witness to all the proceedings of the right honourable general Richard Venables, through the whole course of this American expedition, he judges in his conscience, and in the presence of God, that the said right honourable general Richard Venables is not in the least liable to those malicious censorious reports, which his enemies labour to asperse him withal; which, that it may more fully appear, he thinks good to collect briefly every one of them as they came to his knowledge:

FIRST.—For what may be objected at Barbadoes, that he neglected the prize goods, for that the state might judge itself highly cheated. He testifies that he was often present when both the said general Richard Venables and Mr. Edward Winslow did earnestly press the right honourable general William Penn to return them in an exact account of all the prize goods and prize ships that were at any time seized on, but he for a long time refused to comply with their requests, but at length presented them with a copy, keeping the original to himself; which very copy was desired of me by the secretary Mr. William Poole, constituted commissioner of the prize office by general Penn alone, without the consent of the other commissioners, and without a check to controul his proceedings, in case there should be any miscarriages, under pretence of copying out the said papers, promising faithfully to return them again immediately; but, notwithstanding, he retained them so long that they were fain to be left with the commissioners of the prize office erected at Barbadoes; there being no time left for the copying them out, we being upon the point of departure. That he may make an end of all that relates to the same business at once, he is ready further to depose, that the right honourable general Penn, intending to depart for England, sent a commission to be signed by the right honourable general Venables, empowering the said William Poole to act as commissioner to the prize office, bearing date from the time general Penn had employed him in the said trust, which was refused by general Venables for three reasons:—First, That he had no check all along whilst he discharged the same:—Secondly, Because there

there was contained in the same a total and entire discharge, both of the employment of the said William Poole, as also of his accounts; which having not been examined by any auditor was thought very unreasonable:—Thirdly, By reason general Venables and commissioner Winslow, having heretofore offered to general Penn to sign a commission to the said William Poole, he slighted this proffer, notwithstanding the refusal of general Venables to sign the said commission, for the reasons aforesaid, general Penn gets commissioner Butler to join with himself in signing it; And this is the whole truth and nothing but the truth as I hope to see the face of God.

The next objection of miscarriage in general Venables is usually the landing at Hispaniola, so far off from St. Domingo; in answer to which the same deponent, with the same seriousness and protestations as in the former deposition, testifies, that the landing so far off was extremely contrary to the intention and resolution of the said general Venables.

General Penn during these transactions writ to me the following letter, but though money was pressed for, yet no auditor would be established that Mr. Poole's and others accounts might be viewed, wherefore I refused; but commissioner Butler, as I was informed, signed all without scruple.

I have hitherto delayed a narrative of some engagements betwixt general Penn and myself, which was thus:

At first, when I came abroad, I began to consider that, without mutual agreement betwixt us, all would be destroyed; and thereupon told him, if this design did miscarry, none would bear the blame but he and myself, and therefore added that, seeing our own reputations, the honour of our nation, and (which is more than all other considerations) the glory of God, whose gospel we went to propagate, did lie at stake, I desired that there might be that joint affectionate assistance of each to other in all things as might enable ourselves to discharge our trust, and discourage any that might endeavour to sow division betwixt us, which would ruin us. He accepted the motion, and engaged solemnly to aid each other; but he performed not, as he promised, in giving my men no victuals, or so short in proportion, also in denying to lend me arms for those that wanted, having spare arms aboard, and no use for them; in sending
away

away our guide, refusing to run the fleet into the haven, landing against vote and desire so far off the town, and suffering the seamen to traduce me; about which I writ to him. Whether he could have acted more destructive to the design than what he did, let all rational men judge. But being ready to return for England, he writ to me to remind me of our engagement; without which letter I could not have proved our engagement, or his breach of faith, nor cleared myself in general particulars, especially in trusting to his word and promise; which made me not so cautious to prevent his designs upon me; for who could have thought that a man professing religion, and employed about the advancement of the gospel of Christ, durst have acted so much for its enemies. He had formerly, without the least provocation from me, (save my refusal to sign Mr. Poole's acquittance and commission, and a letter to his highness which contained my consent to his return) sent me a letter, with a strange close, which followeth:

SIR,

SEVERAL commanders of the fleet having, at the request of the late major-general and other land officers, issued out divers parcels of cloaths, laid on board by the state for the use of seamen, for present supplying the necessities of several, and many of the soldiers in cold weather at coming out of England, I therefore desire you will be pleased to appoint some person or persons to receive the account thereof, and take some course that satisfaction be given to the said commanders; for, otherwise, they will assuredly be made at home to pay for the same out of their own purses, which will be very hard requital for their readiness to comply with the said officers in that exigency. Hoping you will consider thereof, and let them have no occasion to complain.

I rest, sir,

Swiftsure, June 8, 1655.

WILLIAM PENN.

SIR,

I HOPE we shall both bear in mind the mutual promise made solemnly
between

between us, as in the presence of God, of love, and affection, to be considered inviolable between us; and how that if any sower of sedition should endeavour to dissolve so sacred a tie, to discover such persons and projects either to other. I, for my part, have and do firmly adhere to the same, and I hope you are like minded. If you have any commands to lay upon me, now homeward bound, you shall find them with all faithfulness effected, and that I shall in all things study to be

Sir, your true friend and servant,

WILLIAM PENN.

But, having no return from me (to his of the 8th June, 1655,) unfavourable to our engagement of love, he sent me for his farewell another letter about some business, the close of which speaks as above. I purposely omit the matter of business, the letter being very long, and my answer declares what the matters were. My letter followeth:

TO GENERAL PENN.

I RECEIVED your's this instant, being scarce able to hold a pen, and weaker than ever. The merchants debt on the committee of the navy I desire may be discharged. There are prize ships enough to reimburse them, but for any thing I can see, if we exhaust the land treasury, the army may starve before supplies come; and if the money be above our sum it is considerable; and our commissioners at Barbadoes went beyond their commissions and instructions, to charge money on us who are so low; and if you please to draw an order to satisfy them in England, I do hereby engage to join with you in it. For hides we have few, except such as are old or wet, and they refuse to take them at the same rates as other merchants give. The reason I signed not the bills of sale of prize ships was this, I know your order is sufficient without my hand, and I must sign with an implicit faith, knowing neither their worth or appraisement, and ignorant of all the rates prescribed in the particular; and some of those I desired might not be sold, but left to carry on the service. Sir, if you would be pleased to send any to receive the cattle, you should be fitted hence; or if the ropes sent hence to lead such were returned, we should serve

serve you to our power; but neither being done, though both desired, we were incapacitated to do it. The abuse offered your men I have given orders to have it examined, and, being found, punished. I desire your help in it. Sir, my strength is spent, yet one word I cannot omit, I have a little more of a gentleman in me than to break my promise or engagement of peace and love, having never been of a contentious spirit, and will be found as true of my word as any person in the world shall be unto him, who is,

Sir, your real friend and servant,

RICHARD VENABLES.

SIR,

SINCE the closing of my letter there came a seaman, who, as captain Bingham and others aver, said he was sent to overtake the packet to which this is an answer, and that it was a false and mistaken thing; which expression questioning him about, he confessed he was sent to stay it, and doth not much deny that other, which had raised some thought in my mind, not being able to conceive the reason.

But, notwithstanding all my refusals to join in the sale of ships, or discharging of debts, with landmen's money only, when there were prizes sufficient to defray all, yet he and captain Butler sold some vessels that were very good failers, good vessels, and very fit for the service of those parts; and some of them to officers in the fleet, who laded them and sent them to Virginia, whither himself also freighted the Katherine (which by his highnesses order, with all her ordnance, sails, and tackling, was given him, being a vessel of about five hundred tons, and thirty pieces of ordnance). And here I should question whether the freight of these ships was had, for betwixt England and Barbadoes we touched at no place, and (though I enquired diligently) I could never learn that he, nor the officers that freighted those ships, bought one ton of sugar at Barbadoes, or any other commodities, at Hispaniola not a hide; and at Jamaica all the hides we could get were sold to buy sack and brandy for the army; so that I am at a stand to find out where they could possibly be got, and therefore leave every one to their own conjecture.

H

But,

But, before the fleet departed for England, I urged for brandy; it was answered there was none for us. I was told in England there was above a hundred, I think two hundred, tons of brandy aboard the fleet for sea and landmen; we took, as I was assured from general Penn and his cousin Poole, above thirty tons more at Barbadoes; but I do not know the army ever had ten tons whilst I was in the Indies.

Whilst the commissioners and myself were transacting these matters, some in the army were not idle in taking the advantage of my distemper, which encreased daily; so that colonel Buller called a council of war of his own officers, to debate what was fit for the army to do, and no body (least they should add to my distemper) would tell me of these disorders, which were not at the first incurable; but captain Butler, a commissioner, falling in with them upon this account, Mr. Winslow informed general Penn and me how he got drunk at Barbadoes, and ran shouting through the town; whereupon we sent him, with some other officers, as commissioner to St. Christopher's, to dispatch business there, lest his stay at Barbadoes should disgrace us: but there, in a treaty with the French, he was so overcome with drink that he fell from his horse, and vomited before the French and most of the English gentlemen, that the French jeered at his highnesses commissioners. These things he practising at Jamaica, I told him of it, and desired him to reform; but he, being disgusted thereat, associated himself with all discontented persons, and made it his business to rail upon and revile me, as Mr. Wentworth's letter, which followeth, will testify:

May it please your honour,

YOURS of the sixteenth instant I received, and, after interlocution with lieutenant Newton, was well informed of the sudden departure of this conveniency, which, out of a tender respect, I have to the vindication of your honour, and that duty which I owe to Christian profession, I desire to make use of it. These, therefore, may inform all whom it may concern, that on Thursday, before we came with the Marston Moore from Jamaica, I went on shore with captain Butler, who was commissioner for the fleet, and saw such miscarriages by him as I never saw before, and which were not befitting a gentleman; which I suppose was through excess of drink, and that several of his near retinue were extremely

tremely discontented with the aforefaid, and th he with
 them were mutually fomenting expreffions of difcontent. I with my
 perfon or testimony may in point of equity ferve you. In the mean while
 thefe lines are attested by,

Sir, your honour's humble fervant,

Portfmouth, October 20, 1655.

JOHN WENTWORTH.

THIS carriage of his towards me gave fuch encouragement to fome officers, fuch as knew themfelves guilty of mifdemeanours, that, if I had lived, they muft think to fuffer; but finding it the only way to their own fecurity, to lay all upon me, who was not likely to live to excufe myfelf, to have proceeded on for the time to come. Colonel Buller, being the principal leading man, and all his officers with him, came to defire me to take notice of a vote of a council of war; when I, being gone to the fleet to the commiffioners, who would not come to me, captain Butler refiding there constantly, as though all his bufinefs and employment had been only for the navy and not for the army. I told you before how I had ordered the officers to fet constantly to order the quartering of the army, and to put them into plantations, whilft I went to the fleet; but Buller in my abfence, forced the commiffioners to fall about what he and his officers had before confulted about, fo that at my return nothing was done. But Buller came to me, to defire a council might be called, to confult about fending into England, now the fleet was ready to depart. I replied, I had writ already, and represented our condition. He defired me however to confult the officers. He had prepared all to his own mind, and I knew nothing of all this. Some of his affociates feconded him, I confented, and when they were met, I, not being able to ftay with them, told them I muft leave the matter and them together, being not able to ftay. I being gone, Buller propounded that an agent might be fent to England; for though I had writ, yet letters were but dead things, without one to follicit, hoping he had provided himfelf fhould be the man. One of the officers faid, a perfon without intereft and unacquainted with affairs, was as dead as letters, and that none was fo interefted in the affairs of the army as the general (who was disabled with ficknefs), and was a perfon of more intereft at court than any man they could fend. Replies paff in the confultation. They paffed the following votes, which they prefented to me for my affent:

H 2

At

**AT A COUNCIL OF WAR HELD AT ST. JAGO DE LA VEGA, the 7th
JUNE 1655,**

PRESENT,

	<i>Major-general Fortescue,</i>
<i>Colonel Buller,</i>	<i>Quarter-master-general Rudyard,</i>
<i>Colonel Doyly,</i>	<i>Adjutant-general Birkinhead,</i>
<i>Colonel Carter,</i>	<i>Lieutenant-colonel Barry,</i>
<i>Colonel Holdipe.</i>	<i>Major Smith,</i>

RESOLVED.

THAT whosoever goes for England, to represent the condition of the army, and shall return again within a twelvemonth after his departure, shall be incapable of receiving benefit by any plantation, being a proportion as a member of the army.

That we are willing, if the general pleases to take the trouble upon him of going into England, to represent the condition of the army and this island, to procure such relief and supplies as shall be needful for the carrying on the design. That he shall dispose himself for the voyage as soon as he should think convenient.

That some one officer of the army be desired to attend the general into England, and that the officer agreed upon be colonel Buller.

We whose names are underwritten, being field officers of the army, though not present at the council of war before mentioned, do freely consent to, and approve of, the votes and resolutions of the said council, as they are before expressed.

PHILIP WARD,
HENRY BARTLETT,
WILLIAM SMITH,

MICHAEL BLAND,
WILLIAM JORDAN.

Jamaica,

Jamaica, July 18, 1655.

SEVERAL CONSIDERATIONS TO BE HUMBLY REPRESENTED TO HIS HIGHNESS THE LORD PROTECTOR AND COUNCIL, IN BEHALF OF THE ARMY IN AMERICA.

AS we do; with all thankfulness, acknowledge his highnesses care, in ordering considerable supplies and accommodations for the army, though it pleased God, through his providence, to retard them—so for the future it is humbly desired and hoped, that his highness will be pleased, from time to time, to order, upon the terms formerly agreed on, accommodations for cloathing of officers and soldiers, and all manner of working tools and instruments, better than those now received; for the wood generally so hard, and tools edges so bad, that they are scarce serviceable; as also bread, oatmeal, brandy, &c. Arms, ammunition, plank, and medicines, &c.

That several from Scotland, or elsewhere, may be sent to assist in planting; for which the officers, out of their pay, will make such allowance as his highness shall think fit, and assign them such proportions of land as his highness shall direct, at the expiration of their respective terms: by this means we shall be able to make provisions for such as are already here, and such as shall be sent hither by his highness for further service, and they will be in readiness for such other employments as his highness shall command.

That the allotment and distribution of land to the respective regiments of the army, already approved of by his highnesses commissioners, may be ratified by his highnesses sanction. The allotment made to the St. Christopher's regiment, which is to be reduced, excepted.

That such encouragement as his highness shall think fit, may be given and granted, to such as shall desire to come from England or any other English colonies.

That in regard it may happen, as by experience it hath done, that the supplies ordered and intended by his highness may not seasonably arrive, by reason of contrary winds; by reason whereof, the army may be distressed and reduced to exigencies, his highness will be pleased to enable the

the army to take up necessary provisions for our accommodation of such merchant ship or ships as shall come into the harbours of this island, and to draw bills of payment on such treasury in England as his highness shall think fit, the same not exceeding ten thousand pounds.

That for the better ordering and regulating this commonwealth, and encouragement of such as desire to live under a civil and settled government, his highness will be pleased to send such constitutions and laws as his highness shall think fit, for the government of this place; or empower such in the place as his highness shall approve of, to make and constitute, from time to time, such wholesome and necessary laws as shall be most fit for the ordering and governing of things here; and to erect a court and courts of justice and equity, for deciding controversies between party and party, and power granted to allow such officers as shall be employed such salary as shall be judged needful.

That, in regard much inconvenience hath been found by the distinct and independant command of the army and fleet, his highness would be pleased to order that both may be under one command; and that power may be given to erect courts of admiralty, and grant commissions to private men of war, to annoy the enemies of our nation.

That his highness would please to allow, that such merchant or merchants, as shall be willing to advance the service and plantations of this island, may have all due encouragement; and such person or persons, as his highness shall please to authorize and appoint here, may be enabled to treat and contract with him or them accordingly.

That, forasmuch as the officers have found, by sad experience, that the generality of the private soldiers of this army are men of low spirits, apt to receive impressions of fear, and basely to desert their officers and service, his highness be humbly desired, for the more effectual carrying on the war in these parts, to order a considerable supply of well disciplined, approved, and experienced, soldiers, such as have been accustomed to hardship in Ireland or elsewhere, well accommodated with provisions, leather bottles, tents, &c.

RICHARD HOLDIPE, JOHN READ, WILLIAM JORDAN,

EDWARD

EDWARD DOYLY, HENRY ARCBOLD, HENRY BARTLETT,
 ROBERT SMITH, PHILIP WARD, MICHAEL BLAND,
 WILLIAM SMITH, RICHARD FORTESCUE, SAMUEL BARRY,
 ANDREW CARTER, VINCENT CORBETT, FRANCIS BARRINGTON.

THESE preceding proposals were also given me from the army, to present to his highness, in order to the better settling of affairs, and preventing for the future what had formerly been the prejudice of the army. Both these were delivered to me to present to his highness in England, but I made not any haste to go, intending to settle things fully there; but my flux encreasing so exceedingly, that, about three weeks after, I sent to general Penn and captain Butler to let them know I now despaired of life, desiring them to come, that we might break open his highnesses last and close commission, which was thus indorsed—*Not to be opened but in case of the death, disability, or absence, of one or both of the generals*—I had, for about a fortnight before, left the command of the army to major-general Fortescue, and was now confined to my bed. They delayed two days, though I sent several messengers:—at last, I caused it to be opened before the officers, and, according to its contents, nominated major-general Fortescue, and resigned my command to him, signed his commission, and general Penn joined in it. Captain Butler came into my chamber, just as I had resigned my command, and spake to the officers to acknowledge the major-general as their commander in chief. Butler, finding the symptoms of death, he and Butler smiled upon each other (which I observed with some trouble of mind), but he refused to join with me to appoint a general in my place, according as the commission required.—The words of the commission ran thus:—“*We do empower you (naming the commissioners), or any two or one of you, the rest being dead or absent, that, in case general Venables die, be disabled, or absent, then you, or any two or more of you, as aforesaid, do choose and appoint some other person whom you judge most fit to succeed in his place, to carry on the service there.*” &c. Vice-admiral Goodson was appointed, by the commission, in general Penn's place, upon the same grounds and occasion. Within two days after, I fell into a caltitude; and now I cannot relate any thing to my own knowledge; but I find, by circumstances as well as other relation, that I continued in this distaction about one month, and was then in that condition carried on board, the physicians advising it; in respect that

that no means they could use did prove effectual to help me, and my flux having stopped at sea whilst we came between Hispaniola and Jamaica, they hoped it might stay again; however it was but an adventure, no hurt could follow to try, for at land I could not live, and at sea perhaps I might recover; and, if not, it was not material whether worms or fish eat that poor and almost consumed remainder of me. Upon this, I was carried on board July, 1655, and there kept nine or ten days, expecting I would certainly die. At last we put to sea, where others that went pretty well on board died within a few days, and I the first night slept soundly, neither the jaunting of the sea nor the noise of the men disturbed me; so that within a week I recovered my senses again. But, before I take leave of Jamaica, I cannot but with trouble of spirit remember the sad condition of the army, being infected with diseases, swept away by forty, fifty, sixty, yea some weeks a hundred, by fevers and fluxes, caused by their want of food or unwholesome diet; necessity causing them rather to chuse unsound or unhealthful food than none at all, the seamen not delivering the bread and brandy, the chief preservations against fluxes in those parts, delaying our supplies, though daily urged by us, sometime pretending one thing then another; though this was spoken of before, yet being now more neglected than ever, I cannot but speak of it again, and desire the reader to look back into captain Howe's and Mr. Daniel's letters, writ from hence, and upon the occasion of the army's necessities.—Mr. Daniel, being our commissary, received the provisions from the seamen, and is therefore best able to speak of their demeanours; and what he writ he complained of to me before their faces, justifying the baseness and rottenness of the biscuits, and their denying to weigh them, but requiring acquittances from him and captain Bamford for what quantity they pleased to name, or else refusing to deliver any at all.

The officers and soldiers pressed to have their trunks on shore, but were not permitted to go on board for them, and some of them complained that the seamen had carried their necessaries back into England, when they returned with general Penn; wherefore major-general Fortescue writ to me several times, when I had occasion to go to the commissioners about business, they keeping on board and refusing to come to me to dispatch business; so that how weaksoever or unfit for business or travel I were, yet I must go to them (that were in health) or all must sink or swim for any care they took. His letters follow;

May

May it please your excellency,

THE army are in great want of provisions, as also of match and gunpowder, and that if you please to order a sudden march it is necessary the soldiers be supplied with biscuit, at least such of them as shall be drawn forth for any service. I desire your excellency will please to inform general Penn of the general complaint of officers and soldiers, of the seamen's refusal to carry them on board to fetch their goods. If he would please to appoint any certain day when officers and soldiers should come to receive their goods, and that boats may attend that business, and so make but one trouble of it. We want our hoes, mattocks, &c.

Your most humble servant,

May 29, 1655.

RICHARD FORTESCUE.

ACCORDING to your order, I sent four hundred men, commanded by major Bamford, with sixty horse, to fetch up the provisions and ammunition which general Penn promised should be landed early this morning, whereby we might have been enabled to march, according to your order, towards the enemy, who still remain refractory, as appears by the enclosed; but, contrary to expectation, one of my officers returned from the seaside, and assures me there were no provisions landed when we came away. Sir, the soldiers have not had any provisions almost forty-eight hours, but one biscuit a man since we came hither; by reason whereof they grow very weak and are much enfeebled. I have enquired concerning the ways and passages leading to the place where the enemy are encamped, which is from hence eight leagues, and I am assured there is but one way and none other near it; much of it is through savannahs, part through a mountain, water some part at the end of two leagues, some part half a league, according to the enclosed relation.

May, 1655.

UPON receipt of your letter, I summoned the field officers, and with their advice drew out two parties, one of a thousand four hundred, to
I march

march by land, and another of six hundred, to be transported by sea, and have appointed officers to command them; but, when I sent commissary Daniel to take an account of the provisions sent last night by the party, being thirty bags of cassava, he certifieth, under his hand, and will aver before you, that the whole weight is not two thousand pounds, as appeareth *per* the particular inclosed; which is judged too small a proportion not only for the army but the party commanded out. I have therefore sent Mr. Daniel, with the advice of the officers, to inform you of our condition; and that we conceive there was a great mistake in those that sent the provisions on shore, who alledged there was six thousand weight, and demanded a receipt accordingly; but Mr. Bamford refused to give them a receipt for so much weight, because all the bags were broken, and much of the bread embezzled. The truth is, the army are generally in a very weak condition for want of provisions. The party I sent down yesterday to the seaside could have brought treble the quantity that was sent. If we might know how much should be landed, we would send parties accordingly. I do, with the officers advice, represent the army's condition to you. We want medicines for the chirurgeons.

May, 1655.

Here followeth the testimony of lieutenant-colonel Ward:—

He affirms that, being on board the Matthias on Saturday the eighth of June, 1655, enquiring of captain Kirby, commander of the said vessel, the said captain Kirby said, that he received a check of general Penn for revealing what stores he had in his ship, with this saying,—You can have no stores on board you, but you must be babbling.

PHIL. WARD.

MEMORANDUM—There were in the ship's cabin, when this was spoken, captain Pegg, lieutenant-colonel Bushell, sick in bed, Mr. Garviner, and commissary Pain.

So that all may see how the promises of general Desbrow were made good to us, who assured us, that what was on board should be for the landmen as well as the seamen, and also what civilities we might expect from the seamen, to afford us relief out of their own stores, who concealed and withheld our own from us.

Their

Their wants and sufferings were the cause, I suppose, which moved the officers to desire my return for England, to represent them to his highness, but I was never permitted to speak; only Mr. Secretary Thurlow writ to me, when in the tower, to send him the officers humble considerations, which were directed to his highness; which I did, but never heard more. And now, being on board, I shall take leave of Jamaica, and sail for England to discharge my trust to the state and army, in representing the condition of those parts, and what might most advance the service, and which way was most probable the design may be carried on; which I did in the tower. I had a most comfortable and sweet passage homeward, and, when I came northward, gathered strength exceedingly, my weakness considered. We landed safely at Plymouth, September the tenth, 1655, having not felt one storm;—but that was to follow at land. So soon as I came to Portsmouth, I writ to his highness as followeth:

May it please your highness,

I DOUBT not but general Penn hath informed your highness of the weak condition he left me in, out of which all that saw me judged it was impossible for me ever to recover; even the physicians despaired, except change of air did, though it was doubted I could not live to be put on board; yet, death being certain if I stayed, it was resolved to adventure me; in regard I could but die. The extreme wants of your forces in the Indies were also recommended to me (by the officers) to represent to your highness; but, as my great weakness disabled me to travel by land, I am at present incapacitated to discharge that trust, unless it shall please the Lord to give more strength or bring me about by sea. And, in the interim, that your highness may be blessed with prosperous success in all your pious designs, and be temporally and eternally happy, is, and shall be, the prayer of,

Your highnesses most humble and faithful servant,

RICHARD VENABLES.

TO MR. SECRETARY THURLOE.

Honoured Sir,

I do persuade myself that you have had a report by general Penn's fleet of my death, which was most probable, my returning being despaired of by all men, even the physicians; and change of air was the last of remedies, all others failing; though it was thought by most I should never see the sea. Yet being I could but die, it was resolved to adventure me, though I was a mere skeleton, and had at times been in a raving condition about three weeks, and continued so about a week after I came on shipboard; and yet continue but skin and bones, and so weak that I cannot ride or scarce sit, except very easy, and therefore not able to travel by land, but must come about up Thames. Though my heart longs to inform his highness of the state of his affairs in the West Indies, and indeed haste is extremely necessary. If the Lord bring me safe to London, I shall tully inform you of all, which I dare not commit to paper, being constrained to make use of another's hand, for which your pardon is earnestly desired by

Your very humble servant,

RICHARD VENABLES.

TO THE LORD LAMBERT.

My Lord,

MY death being reported by most, and the impossibility of my recovery believed by all general Penn's fleet, I persuade myself hath by them come to your ears, so that you would rather suppose the certain news of my death had now been brought you, than that I am in the land of the living and so near you; indeed all men, even the physicians, despaired of my life, the air being so much my enemy; and therefore it was resolved that I should go to sea, though most (and not the least judicious) thought I should never come on board alive; yet being I could but die, it was resolved to adventure me, though I was but a mere skeleton, and had at times been in a raving condition about three weeks, and continued

to a week after I came on board, and I yet continue but skin and bones, and so weak that I cannot ride, or scarce sit, but very easy, and therefore not able to travel by land to London, but must come about up Thames, though my heart longs to inform his highness of the state of his affairs in the West; but indeed haste is extremely necessary. If the Lord bring me alive to London, I shall fully inform you of all, which I dare not commit to paper, being constrained to make use of another's hand, for which your pardon is earnestly desired by,

My lord, your lordship's most humble servant,

RICHARD VENABLES.

The like was writ to colonel Sydenham and general Desbrow.

But, though I pressed so earnestly to come to London by sea, yet was denied, though so weak that I had like to have died on-board before I came to land. However, being commanded to come away, I got a coach and one to support me in it, and so came to London; and the same day went to secretary Thurloe, to acquaint him that I desired to wait upon his highness, who appointed me to attend the next morning to that end, which I did; and was at last called in before his highness and the council, who demanded of me who sent for me: I answered, the army had desired me to come, to represent to his highness the state of his affairs there, and their extreme wants.—He then demanded of me if I had ever read of any general that had left his army, not being commanded back: I replied, I supposed history would clear it, though my memory, discomposed by sickness, could not at present call it to mind; but at last named the earl of Essex. — He replied; a sad example! and asked me if I had any thing else to say in my defence: I replied, I did not expect to be called to an account for this thing, and so was not prepared to answer; and humbly craved respite for a few days, that I might peruse my papers, and consider the thing fully, and I would then give him a full answer.—He denied me that most just liberty, which a heathen denied not to Paul, to have time and place to defend himself. I humbly begged it again, and was denied it; and this added, that I must then speak, or what I had spoke would be looked upon as all I could say. I then replied, I had the army's vote, which I then produced, and desired it might be read; but was denied, and was told colonel Buller was the
army's

army's agent. I replied, I humbly conceived myself was the man, and he only my assistant; and again pressed to have the votes read, to justify my allegation; but was denied, and urged for my further answer. I said I was wasted with sickness, so that I was incapacitated to counsel myself, much less able to command or direct the army; and that I stayed above a month after those votes before I came away, to see if I should recover so as to be able to discharge the duty of my place, but grew daily worse, till I was at last deprived of my senses, and knew not what I did or spoke; and in that condition, by the physician's advice, I was carried on ship-board, to try if the sea would (as it had done formerly) stop my flux; for if I staid at land I was a dead man, and it was but the trial of one experiment, whether the fish or worms must eat me. Besides, I added his highnesses commission, which was indorsed thus: *Not to be opened except in case of the death, disability, or absence, of one or both of the generals.* the which words also running through the body of the commission, to empower the commissioners to chuse a new general, which commission was executed accordingly, and major-general Fortescue chose into my place a month or near thereabouts before I came away, and executed the same accordingly. I added, I had much more to say, but except I had time (which I again earnestly begged, but was denied) I could not at present add any more, however craved my weakness of memory might not be made my crime.

I was commanded forth; and presently Mr. Scobell sent to me for the officers votes, which I desired them to give me a copy of, but he did not; but I had a copy before. I waited. At last the council rose. I met with colonel Sydenham, who told me that he was sorry for me, and that the hand of God should be the cause of my suffering; for he said my sentence was severe. I spoke also to the lord president Lawrence, to know his command, not being in a capacity to attend it. He told me the clerk would acquaint me with their order, and that I must stay; which I did, and the serjeant at last came to me and acquainted me with the council's order, with a very civil apology for his acting. I moved that he would give me leave (being fasting and very weak) to go home, or at least to some cook's shop for some refreshment, and time to send for some necessaries to carry with me to the tower: all which, with much compassion and respect, he granted; so that I returned home with his servant, assuring him that, if he would trust me, I would that night present myself with the council's warrant to the lieutenant of the tower,

for

For I was not able to go, much less fly, and that I was not conscious to myself of any guilt, and scorned to bring my innocency and former service so much into question as to blemish myself with a thought to escape or fly. When I came home, some friends came to visit me, who offered their service to assist me in any thing they could. Whereupon I writ to the lord president Lawrence, and drew up a petition, which my wife and friends presented, both which follow :

MY LORD,

AFTER your lordship was pleased to tell me, that the clerk of the council would acquaint me with your resolves, I found Mr. Serjeant Dendy to be the man that brought it, and a very sad one, which affects me more than, I persuade myself, the news of death ; being that my most dear reputation, purchased with the loss of my blood and limbs, and thirteen years faithful and not unsuccessful service, and all called into question by this blow. I perceive my plea of his highnesses additional instructions for the choosing a commander-in-chief, in case of the death, disability, or absence, of either of those then in commission, is wholly waved, it pre-supposing all these ; which must needs induce me to believe my coming away was not such a capital offence. Your lordship's piety, and confidence of your favour herein, hath emboldened me to move your lordship to present the inclosed petition to his highness, if your lordship judge it meet, which is submitted to your lordship's pleasure by,

My lord, your most humble and afflicted servant,

RICHARD VENABLES.

TO HIS HIGHNESS THE LORD PROTECTOR OF ENGLAND, SCOTLAND,
AND IRELAND.

SHEWETH,

THAT, upon signification of your highnesses displeasure, in his commitment to the tower, he humbly by petition made his address to your highness,
that

that a confinement to his chamber might at present be only insisted, in regard of his great weakness and many pressing occasions; but that (as he humbly conceives) not coming in season to your highness, he again humbly imploret your highnesses favourable consideration of his afflicted condition, and his great weakness yet continuing, and since that time some further fear of its increase arising, he is necessitated most humbly to implore your highness, so far to commiserate his sad condition as to grant him so much enlargement as may afford the benefit of air and physick for his recovery; and that he also may have opportunity to represent to your highness the series of his management of that trust your highness did commit to him; wherein if he be not able to evidence he hath been faithful, though Providence denied success, he shall (with much more quietness of heart) undergo any further mark of your highnesses displeasure, and your highnesses favour herein shall engage your petitioner ever to pray,

RICHARD VENABLES.

I DESIRED that I might be only confined to my chamber, in regard of my extreme weakness, that so I might use the help of physick for my recovery, and offered ten thousand pounds bond, and persons to be security with me, who would also be bound, body for body, that they would (if I recovered) bring me in to answer any charge that should be brought against me, whenever called to; but all was refused, so that I was that night, being the of September, 1655, carried to the tower, and delivered prisoner to the lieutenant of the tower, colonel Barkstead, since knighted by his highness, and the warrant for my commitment, which followeth:

OLIVER, PROTECTOR.

WHEREAS general Richard Venables, being general of the English forces sent into America, hath without license deserted the army committed to his charge, contrary to his trust, these are, therefore, to will and require you to receive and take into your custody in our tower of London the body of the said general Richard Venables, herewith sent unto you, and him to keep in safe custody until you shall receive order from us to the contrary. Hereof you are not to fail, as you will answer the contrary, and this shall be your warrant in that behalf. Given at Whitehall, this twentieth of Sept. 1655.

To JOHN BARKSTEAD, esq. lieutenant of our tower of London.

I HAVE

I HAD not continued many days in the tower, but several friends came to visit me, some persuading me to submit myself to his highness; for if I came to a trial I should be sentenced; but I still desired a hearing. Some others told me, that some godly men were told that it would not be well taken if they went to visit me, for that the visits of godly men did make me stubborn, and kept me from submission; and thus it was sought to set godly men against me as my enemies, and to deprive me of the comfort of their company, counsel, and prayers. My friends were not idle, but moved for enlargement, for air, in order to physic and health; and at last the lady Melton (to whom general Lambert was ever respectful) had this return from him, that she must persuade me to submit, and I should be enlarged. She sent me word of it, and also of her answer, which was, that the next day I must be cried about the streets, if they had any fault to charge me with, she desired them to proceed against me, or to set me at liberty if innocent. Presently after the lord Fleetwood, lord deputy of Ireland, was pleased to honour me with his person; to whom, after other discourse, I said that I looked upon myself as a prisoner for form only, and not for offence; it being fit that a private person should rather bear the blemish of any miscarriage than the public, and that I was content so to do; but desired him not to let me be too much a sufferer, for, before I would die like a dog, I would speak like a man. He desired me to give him an account of the state of those parts, for his own private satisfaction, and that he would not impart them to any other; which I did. He promised me too his utmost friendship, which did much satisfy me that there was not any thing of concernment or moment charged against me; otherwise, I supposed, he would not have made me so large a promise.

About the 10th of October, 1655, Mr. Eaton, pastor of the church of Stockport, came to see me; and within a few days brought me a message from my lord Fleetwood, which was, that he desired me to send him answers to six queries, for his own private satisfaction. The several queries with my answers here follow:

MY LORD,

MR. EATON told me you desired satisfaction to some particulars, he mentioned them, to which I beseech you receive the answers:

K

1st.

1st.—Was there a contention betwixt general Penn and me about place?

Truly I know not that ever we strove, save to give precedency each to other, though usually he had it at sea and I at land; only Mr. Winflow told me at Barbadoes, that general Penn having seen the commission and instructions at Portsmouth (which I did not) he excepted against my being named first; upon which (all being still unknown to me) he was named first in the instructions and I in the commission, which the erasures (as Mr. Winflow bade me observe) caused me to believe.

2nd.—That I took too much state upon me at Barbadoes.

My lord, I confess that I remember not any thing of that nature, neither doth my heart accuse me of any act; but conceive the grounds of this report (and have heard it) arises from the governor of Barbadoes, his marshall going before him and me bareheaded to church; which I could not avoid, lodging at his house; and it hath been and yet is the practice of that island, that whither the governor goeth or rideth his marshall goeth with him and bareheaded; and I think twice my marshall, without order from me, went in that posture before us to church; but if any can prove that my marshall did ever ride or go with me at all, much less bareheaded, as the other's did, I confess the fault.

3d.—The factions in the army were occasioned by bad conduct.

I answer, that before I went I confessed my unfitness for such a command, and do believe that true; yet I can prove they fell out thus: that major-general Haynes expected the command in chief, and went out of England in the confidence that I would not come, and before we left Barbadoes I had many strong presumptions that he hoped to gain the same.

4th.—As for our long stay at Barbadoes.

I answer that a person of honour charged it as a fault upon me, that I left that place before our stores came, and indeed, my lord, all the officers grudged at it; neither did we stay longer than to provide necessities for the fleet and army, which were exceedingly retarded by some of the inhabitants.

5th.—Landing too much to leeward.

My lord, myself and officers did vote for the River Hine, except beaten off, and general Penn's instructions were that he should transport us from
place

place to place as the service did require. The guide did bring us westward of the river. I am no seaman, and professed my trouble at the thing, as I can prove, neither knew I any port or part of that coast.—When I went to general Penn I knew nothing but that our guide (as he told me) was on board the vice-admiral, to bring us to the river, till I was told we were past it.

6th.—Marching about, when major-general Haynes advised a nearer way.

My lord, we had not one man amongst us that knew one foot of the way from our landing place to the River Hine, and therefore no man can say we went out of our way there; and when we came to the river there was a ford which we searched for, but found none. Colonel Buller (who was ordered by general Penn to stay at the ford for us) marched away against order, and carried the guide with him, which put us ten or twelve miles out of the way; but major-general Haynes and captain Butler were earnest, notwithstanding our men were long fasting, to march to seek Buller, lest he might be cut off; which we did, and no man knows but we went the nearest way, and I believe there was no other.

My lord, I have briefly given your excellency an account, according as the shortness of the time did suggest things to my thoughts, but I have something more to add when I have with more deliberation considered the particulars, and therefore humbly desire that this may not be taken as the utmost can be pleaded by, my lord,

Your excellency's very humble and obliged servant,

RICHARD VENABLES.

I COULD have spoken more fully and more particularly, but I conceived this general answer most rational, and therefore reserved for a trial, if called to it. After this Mr. Eaton came to me again, and desired me to draw a petition, and he would present it to his highness; and my lord Fleetwood did promise to assist him in it. Whereupon I drew the following petition, October 23, 1655:

To his highness the lord protector of England, Scotland, and Ireland.

THE HUMBLE PETITION OF RICHARD VENABLES.

SHEWETH,

THAT, upon the signification of your highnesses displeasure, in his commitment to the tower, he made his humble address by petition to your highness, that a confinement to his chamber might only have been inflicted for sometime; in regard of his present weakness and many occasions, which much pressed him; but not being delivered, as he humbly conceives, until after his commitment, he now most humbly imploreth, that your highnesses clemency may so far commiserate his sad affliction as to grant him so much of enlargement from his imprisonment, that he may be enabled to make use of some means for his health, and may have an opportunity to lay before your highness the whole services of his behaviour, in the business he hath been so unhappy in; wherein if he be not able to manifest he hath behaved himself faithfully, though accompanied with cross providences, he is ready to abide with much more satisfaction any further or other mark of your displeasure; and your highnesses favour herein shall oblige your petitioner ever to pray.

RICHARD VENABLES.

SOME few days after, Mr. Eaton returned to me, and told me his highness was in great rage upon reading it; and cast it away, saying, I would cast the blame of all upon him. After this, Mr. Eaton came to me and told me, that there were some further exceptions against me, to which I gave him my answers, which here followeth:

Objection first.—A proclamation against pillage.

Answer.—I did nothing in that but what was the commissioners order, which by my instructions I was bound to observe; and therefore, though against my judgment, (which is before cleared), yet was constrained to do it, lest the neglect should be charged upon me.

Objection second.—Our landing to the westward.

Answer.—I was no seaman and knew not any port, and must land
where

where the seamen would bring me. Myself and officers voted the River Hine; from which place, unless beat off, we resolved not to go, as the votes yet extant will declare; but our guide brought us elsewhere, which was not my fault; that part of the service belonging to the seamen over whom I had no command.

Objection third.—Our retreat the first time after the enemy was beaten.

Answer.—1st. Our men at that instant were fasting forty-eight hours, and both men and horse died of thirst. 2d. They wanted ammunition. 3d. Our guide was slain in the fight. 4th. It was so dark we could not see a place to assault. 5th. If we could, we had no ladders. 6th. Had we marched up the river, it was five miles, through woods, no guide to lead us, and subject to ambushes; and also the town would lie between us and our fleet. The retreat was voted for these reasons by a council of war.

Objection fourth.—The drawing off the mortar-piece.

Answer.—The army had a panick terror upon them, so that the officers said, as soldiers we were bound to go on, but as christians they would not advise it, seeing the soldiers had lost their hearts and always left their officers. The fire-master came in and offered to take the place with the mortar-piece; upon which the officers voted they would not draw off before the next day at sunrise. The pioneers would not be drawn, nor any other, though myself and officers did, so long as we could stand on our legs, endeavour to procure men to work for money or any reward, but none would; and captain Hughes refused to play the piece without a breastwork: so that he declining, and no workmen to be got, according to the council's vote, the army fainting for water, were forced to retreat.

Objection fifth.—My breaking up the commission alone.

Answer.—I sent for the commissioners, and, when no man expected my continuance in this life for twenty-four hours, they delayed two days; and then only captain Butler came: so that unless I should have suffered his highnesses service to be prejudiced, the instructions being in my hand, if lost, as possibly they might all have been in confusion; and therefore the necessity of his highnesses service requiring it, I hoped I did that which another neglected for the good of his service.

Mr.

Mr. Eaton told me also he had spoken to his highness concerning me, who said to him, bring a paper from him, and I will get the business of his liberty effected; which Mr. Eaton told me, and said that he thought his highness intended the last paper I gave him; containing my answer to the last objections. Whereupon I drew one for him, which he delivered to his highness; which his highness, when he had read it, was displeased with, cast it from him again, saying it was not the paper; and that he observed that time, and ever after, his countenance was changed against me; for he expected a petition acknowledging an error.

Mr. Eaton went to my lord Fleetwood, and shewed him a copy of my petition beforementioned; who told him that would not please, for it desired a trial, and my lord expected a submission. Whereupon Mr. Eaton came to me and told me all: upon which he concluded I must die in prison, except I acknowledged a fault, and earnestly pressed me to try what I could say. I replied I would never be a knave upon record under my own hand, being innocent. If I had offended, why was I not questioned? He said it would never be used to my prejudice. Upon which I writ to his excellency the lord Fleetwood as followeth:

MY LORD,

MR. EATON came to me this morning, and gave me a sad account of the dislike conceived against my petition. The reason of my drawing of it in that form (having none to advise me) was, because I thought his highness and council did desire to see me cleared of such aspersions as were by others cast upon me, especially in a printed paper which they were pleased to suppress, and imprison the printers besides. I hear some others do intend a charge against me, and, should I acknowledge myself guilty of what that paper or they say, I should wrong my conscience and cause, and also exclude myself from all other plea in my own defence; but though it has disgusted, yet it was not so intended, and I am not a little sorry that it was contrived otherwise than what was my aim and end. But what is charged upon me as a fault, viz. *my return home*, I shall in that particular throw myself at his highnesses feet, so far as I act not against conscience (which I hope is not desired), and wave all arguments which I alledge in my own behalf. I do confess my heart did run homewards, in regard that, after near four months trial, I grew daily
worse

worse and nearer death. 2ndly. The great wants of the army, and my unusefulness there, yet judged I might do more good here. 3dly, The great disorder and wickedness in the army, which, though I endeavoured by all means to suppress, yet, 4thly, The officers were so far from assisting, that they rather indulged the soldiers, never punishing swearing nor drunkenness, but admonishing. Am most heartily grieved that I should do no better service there, and have offended his highness by my return, whose service your excellency knoweth I desire to promote, though restrained; and whose prosperity with success to the cause of God in his management is by none more unfeignedly prayed for than, my lord,

Your excellency's very humble obliged servant,

Tower, October 26, 1655.

RICHARD VENABLES.

I also drew up this ensuing petition.

To his highness the lord protector of England, Scotland, and Ireland.

THE HUMBLE PETITION OF RICHARD VENABLES.

SHEWETH,

THAT your petitioner, being made sensible of your highnesses displeasure, conceived against him for his return home without your highnesses licence (his distemper depriving him of ability so maturely to consider the thing as the weight of the matter did require), he cannot in conscience but endeavour to remove the great prejudice your highness hath contracted against him for that inconsiderate act, but most humbly implores that your highness in clemency would be pleased to commiserate his sad weak condition and sufferings, and to wave your highnesses indignation (occasioned by that indiscreet act) against him, and grant him enlargement from his sad confinement; and, as in duty bound, he shall not only endeavour, but ever pray, &c.

RICHARD VENABLES.

IT is evident this petition owns no fault, save the hand of God upon me, depriving me of my senses, and that I came away in that condition; but

but what I had to plead in my justification shall follow; for this was extorted from me, and Mr. Eaton, whom I ever honoured as my chiefest friend, over-entreated that from me which all other persuasions, besides threatenings, could not induce me to yield to. This petition Mr. Eaton delivered, and solicited the same some few days; but, having stayed about three weeks in London, and dispatched all his own occasions, he came to me and took leave of me. I desired his stay a few days, but he would not; yet did not doubt but God would appear for me, and deliver me thence, and clear my innocency: upon which I moved the right honourable lady viscountess Ranelagh and sir John Clotworthy, who in two days brought my discharge, of which here followeth a copy:

OLIVER, PROTECTOR,

THESE are to will and require you forthwith to release and set at liberty the body of Richard Venables, now prisoner under your charge, in our tower of London, our former warrant for his commitment to your custody notwithstanding. Hereof you are not to fail, as this shall be your sufficient warrant. Given at Whitehall this thirtieth day of October, 1655.

To JOHN BARKSTEAD, esq. lieutenant of our tower of London.

WEDNESDAY the 31st of October, 1655, at the council at Whitehall, upon reading a letter from general Venables, directed to the lord president, taking notice that he had seen the council's vote of yesterday concerning his enlargement, and signifying his readiness to deliver up his commission as general, and to give a resignation of his Irish command, in regard he hath not the commission with him.

ORDERED, That upon his delivery into the hands of Mr. Jeffop his commission as general, and a resignation of his command in Ireland in writing, containing withall an undertaking to deliver up the commission itself, so soon as he can get it with conveniency into his power, the warrant for his enlargement shall be delivered and put in execution; and that as soon as may be he do also deliver up his said commission for his command in Ireland, according to such his undertaking.

HENRY SCOBELL, clerk of the council.

OCTOBER

OCTOBER 31st, 1655.—*I have this day received from general Richard Venables his highnesses commission, for constituting him commander-in-chief under his highness, for the army and forces raised for the expedition to the West-Indies, bearing date the ninth December, 1654; as also an instrument under his hand for surrendering his command as colonel of a regiment of foot in Ireland, commander-in-chief of the forces in Ulster, and commander of the town and castle of Carrickfergus, according to the purport of the honourable council's above-mentioned order.*

WILLIAM JESSOP.

I do hereby certify, that the above-mentioned is a true copy of the council's order; and the commission therein mentioned was accordingly delivered to the said Mr. Jessop, together with the resignation abovesaid, for which the receipt above-mentioned is a true copy.

JOHN BARKSTEAD.

Dated at the tower of London, Nov. 2, 1655.

BUT I have omitted one thing. During these transactions, general Penn desired me not to yield to acknowledge any fault or submit, and promised me he never would. I had not reason to trust his word, yet I told him I would not; for I knew no fault I was guilty of, and therefore could confess none, neither would I so much prejudice my own innocence as unjustly to charge myself. Yet he did, and so got liberty, a week before me. Also I grew very weak and sickly in that time, by reason I was lodged over a great draw-well, which sent up unwholesome vapours and damps, which much distempered my weak body. Whereupon I desired the lieutenant of the tower to change my lodging, and named some to him. He refused, and told me his officers must have them. I replied they might have those I was in, which they might well endure, but I could not; but was delayed, and at last denied all; which, with the refusal of a vessel to bring me by sea from Portsmouth, to take security for my appearance; that I might use physic; the putting me into a chamber where I durst not take physic; and keeping me there, caused me to remember some words spoke to me by some friends before I left England, which were, *That I was sent to be destroyed not to do service, that I was popular in Ireland, had too much interest there, and that they*

knew not how to displace me, or free themselves from me, but by such a removal as might occasion death. I looked upon all this as malice to disgust me against the state, and therefore regarded it not; though, for my place, some friends can testify that I was weary of employment, and desired a private life; and this voyage, being only to settle a colony, (which was effected), I might then retire without prejudice to myself, or raising a dispute or jealousy in the state, (which would follow), if I gave up my command.

Having given a true relation of things as they were done, I should have made an end, but the sight of a short but slanderous pamphlet causeth me to take occasion to answer some things mentioned in the same, which are ignorantly or rather maliciously related. Though his highnesses imprisoning the printers and sellers of the same might serve for a confutation of it, wherein the state is concerned, yet I conceive that will not excuse me, and my silence might be judged a guilt or inability to vindicate myself. I shall therefore track him in his own path; and here I must apologize that the author, not owning it by his name, might justly excuse my silence, and also his speaking in such general terms that no man of reason ought to judge him peccant who is not personated; yet, that I may not prejudice the truth in not discovering his uncharitable censures, which unless detected might mislead some, I take myself engaged to reply to his closely insinuating aspersions. And, seeing he lays down as his method of proceeding three grounds, I shall take him in his own order.

1st. Quere.—Whether the setting forth of this army was really intended for the glory of God and propagation of the gospel.

Answer.—Except this synonymus durst be so shameless as to charge the supreme authority with hypocrisy, I suppose he might easily have answered himself in the affirmative; for, first, it is granted, from grounds of reason and scripture, that to punish offenders and offences doth advantage the glory of God; for all just wars are for the revenging or repealing of wrongs done or offered to such over whom God hath given authority.—Magistracy is for the punishment of evil-doers, and for the praise of them that do well; which duty, if the magistrate do not discharge, he bears the sword in vain, or at the best doth not make that use of it which God and the nature of authority require from him. And what wrongs the English have suffered from the Spaniards in those western parts his high-
ness,

ness, in his declaration concerning the war, doth set forth, and were publicly known almost to all men, and no reparation made; and if the Lord should please to give these countries into the possession of a protestant nation (except Mr. J. S. judge the protestant religion will not propagate the gospel and advance the glory of God), I suppose the glory of God and the gospel must undeniably be promoted. But the calumniator tacitly blasteth the state (who had so strong provocations and just grounds of war) with this close insinuation, page 3d.—*To conclude the design to be altogether grounded upon a wrong and corrupt principle were to accuse our grandees, &c.* Where he doth infer that they did not aim at either of those ends, and gives reason drawn from the instrument; and, because some did lye open to just exceptions, he concludes against all; and a little before he tells us the secrecy of the design caused honest men to desert it, which is not true; for some, not out of conscience, but for other enlargements and employments, or the dissensions of friends, or disgust against his highness, did decline that voyage, but not in reference to the injustice of the quarrel that I know of, who have more reason to know it better than this man; but I suppose he would have all protestant designs made public, that each private man that engages in the service might have his conscience informed, or indeed the public popish enemy acquainted, to prepare for resistance. As for the officers, so many that scrupled were satisfied in the justice of the quarrel, and indeed this J. S. gives enough to answer himself, *viz, the Spaniards wrongs to our plantations, and that no articles of peace extended to the south of the tropic.* But because he was not consulted, belike that he might not be a ghostly father to the soldiers, to counsel them, he concludes that all men that went were men of no conscience, and to pin their faith on other men's sleeves, but all rational men know that to discover a design is to overthrow it.

Next he comes to the good intent of the cause, upon which he gives his opinion from the ill success of the action. A good argument learned by him out of the Turkish Alcoran. Had he read over the 22d of Judges, he might have found the Israelites, who prosecuted a good quarrel, and by the express command of God, yet fell twice before the Benjamites. But he then covers this unhandfomely by the servants disobeying their masters, but shews not wherein; pretends safe seeking, but gives no instance; and casts blemishes without cause or ground upon all. It may be, some might be persons that came upon the account of spoil and pillage.

pillage, but he should have been so just, if an ocular witness, (as himself saith) to have instanced in some who gave most evident signs, or expressed so much in words, and not have blasted all for the fault of some who could not be unknown.—Then he falls back to the justice of the quarrel, and gives four reasons; the first and last fitter for the mouth of a papist or atheist than (what he would be thought) a protestant, the second and third gave me grounds to engage in the design with what I alledged at the first.

After this he disputes the legality of the cause, but makes it no argument of the good intent, nor do I; but if the justice of the cause be cleared to me, the intent of the designers is not to be any scruple to know, but my own intent in acting, of which my own heart accuses me not. Then he leaves all with a confused mixing of good and bad, but in the conclusion excuses no man, and therefore condemns all, and concludes the army so bad that no good could be expected from them. I do not plead for the army's piety, neither officers nor soldiers almost known to me before I was engaged in the design. I craved my own regiment for one, and that the rest might be drawn out of the Irish army, seasoned with hardships and hazard; but the design seemed to be laid aside, and at last came on again so fast that my request was denied, as not to be done in time; yet no officers were taken on, but such as had the commendation of some of his highnesses, council, chief ministers of state, or officers of the army. The private soldiers were promised out of the old English army, but I confess not performed, save as this nameless author relates; and if any were proved unworthy among the officers. But who ever saw an army consisting wholly of (and I confess this had too few) religious men in it. But, nevertheless, let this author or any man else instance their rapes, murders, plunderings, &c. either in England or Barbadoes (though I know few armies where such offences are not committed); yet I never heard of any in either of these places that I remember, and I am certain none that I heard of escaped unpunished. But though he cannot instance any one of these offences in the army, yet he prefers the Spaniards before us, as less wicked. And here I suppose he must confess himself a papist, or a very mean historian, or exceeding forgetful, who hath read the Spaniards conquests of those parts (set forth by their own countrymen), and his ears glow not at the horrid cruelties, and more than barbarous inhumanities, practised by the Spaniards (out of a wanton bloody humour) upon the poor natives; or can he forget his highnesses

highnesses late declaration of the date of of the grounds of the war with Spain, and can read of the massacres of the English, and yet prefer those men before the English army, who were protestants, though very loose and debauched, yet by discipline restrained from those outrages; but he hath no mind to speak one word in the army's defence, which shews him to be of *Cain's* lineage, desirous to trumpet to the utmost of his malice his countrymen's infirmities. But though I do not excuse the common foldiers of the army from prophaneness, which indeed had too many debauched persons in it, as consisting of the worst men either of England or the plantations, yet, as I said, outrages were not acted by them; and for the officers there were some godly persons, eminent for their piety, valour, and services, in their country, as major-general Haynes, who is the only one he commends, and colonel Fortescue, afterwards major-general, much esteemed by godly men, ministers, and others, for his piety, conduct, and valour, declared in several services in England; with captain Howe and several of my own regiment; yet he takes no notice of them at all, not considering the denomination is given from the better and ruling part in scripture, where a godly reforming king brings his people to be reckoned as religious, he causing them to serve the Lord; and indeed the major part of the officers were civil, though not able and fit for employment, which could not be known to me, who was a stranger to them, until trial was made, though they had good men to recommend them, as it is said, and had served the state. But he mentions not adjutant-general Jackson, a prophane drunkard and whoremaster, a man that stood charged (and the charge proved) of perjury and forgery; concerning whom, as being known to me, I had with major-general Worsley moved his highness, but he was notwithstanding forced upon us; nor colonel Buller, who never yet cleared himself about the loss of Sicily; but for the generality of the foldiers take the opinion of major-general Daniel (which was the opinion of others) in a letter to me whilst in prison. That part of the letter followeth:

“ I wonder not that you fell under the extremity of difficulties, considering (except some few trusty officers) that you carried with you the very sweepings of some part of England; and though I know God is not limited to instruments, yet his name is most principally engaged with his people.”

His second query he passeth over, referring us to what hath been said and what

what followeth, and so shall I refer the reader also as he doth to my answers before, and which follow.

His third tells us of the great preparations and strength of the army, and God opposite to them. As to the success, I answer that we effected what we were sent about, the fixing of a colony, though we failed in the first place which we attempted; not through the value of the opposers, but forced away through want of water, and carriages to take along with us all conveniencies; and, though we were well provided for, yet these provisions staying behind (not by our fault who would have stayed for them but were not permitted) we were constrained to leave Barbadoes, having almost eaten them and our small stores which came up with us, and so could not stay longer for them, lest we had perished ourselves and destroyed the plantations; and our necessity enforcing us to go with what we had, we were as persons without accommodations of arms, ammunition, or provisions. And that it should be, as he saith, marvellous to see persons perish of thirst in those torrid regions, I see not. It may be he will say, that we might have landed nearer to the city. I have answered that already, and refer the reader to judge whose fault it was, the seamen's or our's, who were carried so far off against our wills, and thereby ruined; being exposed to hunger, thirst, and all inconveniencies which that climate could inflict upon our men; whereby we were weakened, as also with bad and scant diet, as is before related, and the enemy had time thereby given him to call in all the strength he could make.

Next he gives the journey itself, and beginneth with the armies, relating of what manner of men they were formed. I shall not say any thing now, having spoken my thoughts before, and confess he speaks too much truth; and shall mention nothing till we come to Hispaniola, where he gives us that number of the army, in whose number he is mistaken some hundreds; for the muster rolls make them six thousand five hundred and fifty-one, and he seven thousand, and saith they had three day's provisions at their landing; but it being delivered out two days before they landed, the seamen caused the rest of them (which I knew not till we were on shore) to feed on that allowance before landing, so that the most of them had but one day's provisions to live upon when they landed: too small a proportion for them, if we had landed at Hine River, much more disproportionable to so long and tedious a march.

Next

Next he mentions the proclamation against plunder, the reason of which and my opinion with my actions I have given before, and refer the reader to the same, it being the commissioners act, not mine; though they saw the discontent it raised in the army, yet persisted in it. As to the avarice of persons, let them bear the blame that deserve it; yet to speak conjecturally (I suppose) those that were more pertinacious to have it, or refused the army pillage, and yet gave them no pay, (and how can men subsist without pay or pillage), and refused the army liberty to have any inspection into the management of it, or a subsistence out of it, are most likely to seek their own advantage by it; and of any of these no man can charge me, or, if they do, my own transactions will plead my excuse and vindicate my innocence.

Next he tells the army had no opposition in landing, except the excessive heat of the sun, and intolerable drought, which was so great that some drank their own urine, others died. I would here query of him what opposition would be worse for us than our want of provisions (as before related) to have heat and thirst in the extremity. What greater difficulties than hunger, heat, and thirst, (miseries not to be overcome) could an enemy call in our ways or wish to befall us? Yet these he passeth over with a slight expression, of nothing but heat and thirst in the extremes.

Next he brings us to the River Hine, and tells us of our short stay and refreshment, which was short indeed; for no other refreshment had we after two day's fasting save a little water, and half an hour's sitting upon the ground, though our purpose was to have got more. We were told a ford a little higher would give us a passage over to come to our ships, to receive our necessaries; but it proved so far off that we were that night without meat and drink, and caused us to fast near forty hours longer.— Then he relates a small skirmish, which was occasioned as is before related. We met with colonel Buller and Cox our guide, who promised to bring us to water, which was joyful news to our fainting men; and lying near to the Fort, I sent some officers to view it. Some reported it low, weak, and unflanked. Finding them differ in opinion, I sent the engineer, who then came to us, and assured me it was a regular well fortified (but small) piece. Having got a little strength by resting me, and exceedingly troubled with a violent flux, I went myself; and if my eyes were able to see, it was a fort about twenty-five yards square, and seven

seven or eight yards high at least. I sent some into the woods to search for ambushes, and, the officers being generally very weary, I went myself with the guide to see that done, which I could not procure others to do, and so fell upon the ambush, but not into it; for we discovered them before they moved towards us, and the forlorn fired, but spent their fire over nimbly, which gave the enemy advantage to fall in with their lances before they could charge again, and so routed them, whereby I was endangered; which moved the officers to press me not to march (as I ever used) in the van, if not with the forlorn; and this I speak to vindicate myself from the imputation of rashness, which some charged me with, though I did nothing but upon necessity, and what I could not procure to be done by others; and also to shew the reason why I was not in the van the second time, it being the very earnest pressing desire of all the colonels. But whereas this ocular witness saith, they routed the first regiment, I reply I saw no man run but the forlorn, which consisted of seamen, and the sea regiment relieved their fellows, who had no pikes, and therefore routed and beat back the enemy presently, and pursued them within cannon shot of the town; and then we, as before related, for the reasons alledged, retreated to our ships for to refresh our men, who had most of them fasted four days, except what fruits they had found in the woods, which were generally oranges and lemons.

Against our next advance we made all the provision we could to carry water and brandy, but all we could do was too short to supply our extreme want. The fight I have before related, and shall not now repeat any thing, only I can but confess with him, to my grief, the unworthy fall of major-general Haynes; but must contradict this relator as to the number of the Spaniards. Gentlemen of credit and judgment who were on board affirmed to me, they saw at least three thousand march out of the town; but this spectator saw but fifty. We were assured by Cox our guide, who had lived twelve years amongst them, that they could bring into the field five thousand men. They had time to draw them together, and no man will conceive they would lie still and only send out fifty to fight; but I say further, that in those continual woods or wildernesses, where not above six could march abreast, few could be seen either in the rear nor those in the woods. Our forlorn were four hundred, and the enemy fired upon them in van and flank at once; and if fifty could do this let any man judge, and so many as three thousand drawn out of the city, it is probable they could not all stand idle. He said also half the
army

army was routed;—an utter untruth. Two regiments were only routed, and the enemy beaten back, and retreated not until forced away by the sea regiment, led on by vice-admiral Goodson and myself, and about a hundred of major-general Haynes's men we stayed from running; and who ever knew the Spaniard so much fool or coward as not to follow success to the utmost, when a fair advantage offered itself. For the number of the slain, he reckons six hundred, after two hundred lost in the woods, and three hundred wounded, that most of them died, as he saith; and, though we never had more blows at our leaving Hispaniola, he makes our loss one thousand seven hundred, whereas I am certain, as before I related, we were never more (if so many) than six thousand five hundred and fifty-one, and after all the deaths at Jamaica for ten weeks, which was our first muster, we were above five thousand eight hundred; and therefore the deaths there, as is related before, and the loss at Hispaniola, could not be above seven hundred, so that he gives the Spaniards a thousand to grace there success with, and all the sick at Jamaica that died there to make up the number he allows them, page 15. He relates, that we drew up after this fight near the fort, &c. several untruths are contained in this relation, for, as before, we beat the enemy back, recovered our slain, and the night being at hand kept the ground all that night. A council of officers being called, did advise to try the mortar-piece upon the fort, if it could play by sunrise, otherwise draw off, lest we should perish by thirst; and this was the reason why the mortar-piece was drawn off, and known to them that advised it; but if not known to all, it was not usual to tell our results. The engineer was called, but, as before, none would work, and the place was unsure; for several cannon shot fell within some few yards of the place, took six, seven, and nine, men away at a shot, so that the enemy's guns could bear upon the place, which was as open as the ground the men stood upon. And I am persuaded if there had been an offence worthy of punishment, those who had the power would not leave the matter altogether unquestioned.—The officers, finding their men so base, and the danger of perishing by thirst so unavoidable, voted a retreat; and I think it was better to bring off the mortar-piece than to leave it behind us. For the rest that followeth, let the seamen answer, whom it chargeth with so much cruelty as to deny us food, which brought them to eat dogs, asses, horses, and indeed whatever they could get though unhealthful.

We now follow him to Jamaica. His 20th page begins with the proclamation he mentions against running away, telling us scoffingly it might have

have done well, if made before we landed at Hispaniola, and so I think also; but we could not imagine our men would have proved so base; and the old adage might have answered him, *good laws have their rise from evil manners*; and also at our landing he tells us the weak opposition that was made; but the number of the enemy is untruly related. We were assured there were upwards of three thousand in the country, and generally all of them living in or near to the town, in which were four or six churches, and houses to have quartered twenty thousand men; and if, besides those in the country, all could make up but five hundred, let any man judge; and all were drawn down to oppose our landing, for we saw their fires made to give notice of an enemy approaching the day before we landed, and I do believe were generally drawn to the seaside for their defence.

Next he mentions of number seven thousand. When he mustered us at first, page 12, he made us but seven thousand, though, as before, our greatest number was but six thousand five hundred and fifty-one; and, of the seven thousand he mentions to be landed at Hispaniola, one thousand two hundred were seamen, regimented under vice-admiral Goodson; and of those he cuts off one thousand seven hundred as lost, pages 16 and 17, at Hispaniola. Sure our men were like bees, that after a shower (if overtaken with it) lie dead, but revive again with the next breaking out of the sun beams, or else he is a very false muster-master, and an egregious liar. As for their outwitting us, he sure thought us fools, because we admitted of a treaty, and thereby had cows brought in, which otherwise we must have wanted; and had also hostages, men of quality and worth, as their chief major and Don Acosta, one of the best men amongst them; and yet if they stood out, we were at no loss, we had our army to reduce them, which must have been the way if we had never treated; and so were at no loss, and yet got refreshment and fresh meat for our men without blows or trouble, which else we must have wanted. And now let any man judge how we are over-reached, and what simple souls we were, easy to be abused by any, and yet when they broke, we got hostages, and in the interim gained knowledge of the country, and set division among themselves. As for their goods, it now appears who coveted plunder and spoil, because the army was not marched all night in an unknown country, all wood, without guide to direct them, to possess an open town, where little I believe was to be got, (for there was not almost any thing when Jackson took the island formerly), and the money,

money, and plate, and richest moveables, were, I suppose, carried away upon the first notice of our approach; and yet he complains of our simplicity in loss of the pillage, and, as he saith, they drove away their horses, cattle, &c. I answered this before, and in two days we recovered them again. As to the order against killing cows by single persons, the reason is given before, to which I refer the reader, and must needs say that our men's misery and wants proceeded from the want of food from the fleet, who refused to supply us, as is already before related very largely, under the hands of several persons of honour and credit. And thus have I done with this malicious traducer, but that those who are under the states frowns should meet with base language from slanderous tongues is no news, envious spirits taking that opportunity to vent their malice.

There remain some objections, which may seem to be yet unanswered, which I shall resolve, and leave all to the candid judgment of the ingenious and unbiassed reader.

Question 1st.—Why would I go before my stores?

Answer.—I declared my dissatisfaction in that particular, and was promised they should meet me at Portsmouth; and there I was ordered to stay for them at Barbadoes, and necessity forced us thence before they came, except we should have eaten up and devoured that island, and so destroyed it and ourselves.

Question 2d.—Why did I go with such a rascally rabble of raw and unexperienced men, never disciplined?

Answer.—I desired my own regiment and the rest out of the Irish army seasoned with hardship and hazard; and after that, (the design was laid aside as pretended) was hastened away, and promised men out of the English and Scotch forces, who had, unknown to me till after, enlisted the rabble, and put them to us, and kept back their old soldiers; and we were not permitted to stay to try them what they were.

Question 3d.—Why did we not keep them in better discipline?

Answer.—Who ever read of an army, though best disciplined, kept in order, which had neither pay, pillage, arms, nor provisions, much more was I unable to do it amongst a company who neither knew what order or civility meant, and when the officers indulged them, never punishing almost any offence, save by admonition; and my commission did not permit me to punish myself, but by a court-martial.

Question 4th.—Why should I go on a design I knew not the reasons of?

Answer.—I was acquainted so far with it as to know the lawfulness of it; and the rest (though I desired to know the same) was the state's part not mine, they being accountable for that, not I, yet the officers that scrupled any thing had their doubts answered.

Question 5th.—Why would I go so bounded with instructions and manacled by commissioners?

Answer.—I did propound to Mr. Secretary Thurloe (to whom I was commanded to make my addresses) that I might not have my friends (by strict instructions) made more terrible to me than my enemies; for whoever attempted any thing resolutely (if it failed) was in danger of life to them that employed him, and therefore needed all encouragements, the difficulties of the service being sufficient to engage against; I was promised I should not, my commission was large enough, and my instructions, save in one clause, (which all commissions have in them), that referred to all other orders, which I conceived related to all further intelligence upon transactions, not to the commissioners instructions, who I supposed were only to deal (as those sent me into Ireland by the parliament and after by his highness) in civil affairs; which I was pleased with, in regard that burthen would be taken off my shoulders, which had in Ireland so much oppressed me. And to confirm me in this opinion, there was a clause in my commission, authorizing me to take and follow the advice of my officers, as occasion was offered; but, when the commissioners instructions were broken up at sea, they annulled all this.

Question 6th.—But why would I suffer the seamen so to use me in provisions and arms, &c. which were put on board for our use as well as theirs?

Answer.—There were few or no soldiers aboard the frigates, who awed the whole fleet, and therefore the power was in the sea officer's hands, and I had no means to help myself by force; and therefore stood at their mercy, being only able to shew my wants, and to advise and require supplies, but not able to relieve myself.

Question 7th.—Why should I go with such commissioners, so unfit and unexperienced men?

Answer.—I looked not upon them as having any thing to do in military affairs, and in civil they were accountable for their actions, not I, and if my own affairs succeeded I was well.

Question

Question 8th.—Why did I take my wife and foldier's wives with me?

Answer.—First, I acquainted his highness, I resolved to take my wife with me; and it is probable, if his highness had declared his dislike, I had either left her or not gone myself. Besides his highness did only intend a plantation where women would be necessary, and this proves also that I told his highness, before I went, that I proposed, if the climate was not my enemy, to stay there; and had so done, but that the hand of God forced me back. Some officers (as colonel Humphrys) did afterwards take their wives with them, without hindrance or blame; and for soldier's wives, whoever have observed in Ireland, knew the necessity of having that sex with an army, to attend upon and help the sick and wounded, which men are unfit for. Had more women gone, I suppose that many had not perished as they did for want of care and attendance.

Question 9th.—Why did I return home?

Answer.—I did propound to Mr. Secretary Thurloe before I went, according to his highnesses command, that if the air agreed not with me I might thereupon return home, and that in such a case my command in Ireland might be kept for me. He answered, God forbid we should send men to die, and not to do service, and for that reason my command in Ireland and my pay in the interim should be reserved for me, which accordingly was performed, and I received part of the money in the tower.—2d. The physicians advised my return, as not possible to live there, they having tried all means, and found that what stopped my flux heightened my fever, and what abated my fever increased my flux; and I stayed fifteen weeks expecting recovery, and was conveyed on board in a distracted condition, which I had been in for a month.—3d. The officers voted and desired my return to solicit their affairs, as being unable to do any service there; and, doubting I should not live to come home, they joined another with me in commission to solicit for them. The vote was passed in a council of war, gathered against my will, as before is related, and I stayed six weeks after it.—4th A colony, the work I was sent about, was effected, and no enemy appeared save like Irish Tories, and no man will say that Ireland is not reduced.—5th.—There were three commissioners left besides myself, and one voted my return, another signed the warrant for the ship to bring me home, only one refused.—6th. His highness had signed and sealed a dormant commission, thus indorsed, *not to be opened but in case of the death, disability, or absence, of one or both the generals*; and those words were in the body of the commission, which was broken open, and another general chosen

chosen in my place, and his commission signed ; and he discharged his place for a month before I left Jamaica. The word absence implies an answer to my desire to secretary Thurloe for my return ; for, except I returned, I could not be absent from the army, and disability seemeth to me to be inserted on purpose, as well as absence, to authorize and warrant my coming home without danger, according to my proposals to Mr. Secretary Thurloe ; for why should another be chosen and commissioned, and put in my place, without any crime, and yet I required to stay there ? In my eye and (I believe) in any rational man's judgment, it is inconsistent or unjust to set a man aside without any fault, save the hand of God in his distemper, (which was my affliction not my fault) and another to be put in his place, except hereby a licence to return was civilly consented unto, and hereby implied. Besides captain Butler, one of the commissioners, did, against the express declaration of major-general Fortescue, in the name of the army, against his return home, as destructive to his highnesses service, come thence, yet was never questioned, though I offered to prove high debauchedness and fomenting of mutinies against him. General Fortescue's letter to his highness of this return of his followeth :

May it please your highness,

ALBEIT by other letters I certified your highness what I had said to commissioner Butler, yet that not being satisfaction to me, because what passed was between him and me, I took this occasion this morning, in presence of admiral Goodson, colonel Buller, and this gentleman, rear-admiral Blagge, to tell the commissioner that I conceived, according to the duty of his place, he ought to tarry with us, and therefore protested against his going ; in regard your highnesses service should in all probability receive damage by it, if that the two commanders in chief of the fleet and land forces, impowered by your highnesses instructions to act as commissioners, could not in some cases act without a third person. I also desired his concurrence with the general, in nominating and appointing a commander-in-chief of the army in the general's absence, but he utterly refused, saying the state of things was now much altered, and he could not, nor would not, allow of admiral Goodson and myself to be commissioners, nor consent that I should be commander-in-chief in the general's absence, nor appoint any other, nor stay to order and govern things

things with the commissioners: all which rear-admiral Blagge can justify, and I counted it a duty to be certified to your highness by,

Your highnesses most humble servant,

Jamaica Harbour, July 23, 1655.

RICHARD FORTESCUE.

I SHALL conclude all with a most thankful acknowledgement of the mercies of God to me, in several eminent deliverances both from the sword and sickness, so that I may truly say, I never saw more remarkable providences as to my personal preservation, nor met with more lets, impediments, and cross providences, in the management of the public concerns in all my life.

LAWS

LAWS MILITARY FOR THE ISLAND OF JAMAICA,

PUBLISHED BY HIS EXCELLENCY

SIR THOMAS MODYFORD.

ARTICLES and military laws set forth by his excellency Sir Thomas Modyford, knight and baronet, governor-general of his majesty's island of Jamaica, and vice-admiral to his royal highness the duke of York, by advice of his majesty's council here established, for the better ordering and governing his majesty's forces belonging to his said island, &c.

TO the intent that the harms of our neighbours might make us wary, and in a posture ready to prevent or resist the attempts of our enemies in these times of so great danger, his excellency hath thought it necessary, by the advice of the council, to ordain that this colony be in the most warlike and secure posture possible, and that these laws military hereafter ensuing be observed and put in execution by all officers, soldiers, and inhabitants, of this island:

IMPRIMIS.—That the courts of justice, and proceeding at the common laws, be from and after the next sitting adjourned without day, and not to be reassumed without new and express orders from his excellency; and that, in lieu thereof, courts martial shall be held within the precincts of every regiment, and a general court martial where his excellency shall appoint, for punishing of all blasphemers of God's holy name, swearers, cursers, drunkards, and other enormous offenders, according to the direction of the said court, and also for putting the laws ensuing in execution.

SECOND.—That all men within this island, under the age of sixty years and above twelve, shall, within six days after publication hereof, present themselves to be enlisted either in horse or foot in the company where they reside, under the penalty of five pounds, or such corporal punishment as at a court-martial shall be thought fit; and all masters within this island shall present, in the time aforesaid, their servants of
above

above twelve and under sixty years old, to be enlisted in the foot companies where they reside, under the penalty of five pounds, or corporal punishment as the court-martial shall think reasonable. The age of the said persons to be adjudged by the inspection of the commander in chief of that precinct.

THIRD.—The said persons, named in the next articles, are not to be received among the horse without they also present a good horse, saddle, and pistols, fit for service, but shall be all compelled to carry muskets or fuzes, while to be had, and when not, then to prepare lances; and with them to appear, when commanded, upon pain, for their respective neglects, to be punished at the discretion of the court-martial.

FOURTH.—That all commissioned officers and commanders shall duly exercise their respective companies, as often as they shall be thereunto commanded by their superiors, upon pain of being punished at the discretion of a general court-martial; and the other officers and soldiers, if they do not appear in complete arms, with ammunition and all things needful, to be punished at the discretion of their own regimental court-martial, or at the general court-martial if the case require.

FIFTH.—Whosoever shall neglect to attend such guards of horse or foot as shall be thought fit to be appointed, or withdraw from the same before he be relieved or otherwise commanded, shall be punished with death.

SIXTH.—What sentry or perdue shall be found asleep or drunk, or forsake his post before drawn off, shall die without mercy.

SEVENTH.—No person shall depart from his colours without licence, upon pain of death.

EIGHTH.—Whosoever absents himself when there is occasion of service, as to set the watch or the like, shall be punished at discretion, V. L. wooden horse or the like.

NINTH.—Whosoever makes known the watch-word without order, or alters the same, shall die for it.

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TENTH

TENTH.—All such as practise or entertain any intelligence with the enemy, directly or indirectly, shall die without mercy.

ELEVENTH.—If the commander-in-chief of any fort, pass, or place, appointed to be defended, yield the same without the utmost necessity, he shall be punished with death; but if the soldiers under his command forced him to it, every tenth man shall die.

TWELFTH.—Whosoever shall presume to violate a safe-guard shall die without mercy.

THIRTEENTH.—Whosoever shall come from the enemy without trumpet or drum, after the custom of war, or without a pass from his excellency, shall be hanged up as a spy.

FOURTEENTH.—Whosoever shall use any word tending to the death of any commander-in-chief shall be punished with death.

FIFTEENTH.—Whosoever shall presume to quarrel with or give unseemly language to his superior officer shall be punished at discretion, and whosoever shall be so heady as to strike, shall die for it.

SIXTEENTH.—Whosoever shall resist, draw, or lift, or offer to draw or lift, any weapon against his officer, correcting him orderly for his offence, shall die for it.

SEVENTEENTH.—Whosoever resists the provost-marshal or any other officer in the execution of his office, or shall break prison, shall die for it.

EIGHTEENTH.—Whosoever shall utter any seditious or mutinous discourse, or shall make any mutinous assemblies, or be present at them, shall die for it.

NINETEENTH.—Whosoever heareth such words, or of any such meeting, and doth not forthwith acquaint his commander with the same, shall be heavily punished at a court-martial.

TWENTIETH.—No man shall take his own satisfaction for any injury, upon pain of being punished at discretion; but, upon complaint made to
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the court-martial, shall have such reparation as shall be thought fitting and just.

TWENTY-FIRST.—Whosoever shall wilfully kill another shall die for it.

TWENTY-SECOND.—Every man shall appear with his arms duly fixed and decently kept, upon pain of death *centure*, and whosoever shall embezzle them, or willingly make them unserviceable, or throw away his ammunition, shall die for it.

TWENTY-THIRD.—Upon a march none shall extort victuals or other necessaries from any planter, upon pretence of any want whatsoever, upon pain of death.

TWENTY-FOURTH.—None shall straggle from his troop or company, or march out of his rank, or plunder, or fire any house, upon pain of death.

TWENTY-FIFTH.—Upon encamping, none shall presume to go a mile from the camp, upon pain of death.

TWENTY-SIXTH.—No man shall draw his sword, or fire again after the watch is set, without lawful cause, upon pain of death.

TWENTY-SEVENTH.—No man shall fail to repair to his colours, upon an alarm given, upon the pain of death.

TWENTY-EIGHTH.—No man shall abandon his colours, or fly away in time of battle, on pain of death; and it shall be lawful for any man to kill him who turns his back.

TWENTY-NINTH.—No man shall kill an enemy who yields and throws down his arms, upon pain of arbitrary punishment.

THIRTIETH.—No man shall save an enemy while he has offensive arms in his hands, upon pain of losing his prisoner.

THIRTY-FIRST.—In case of victory, no man shall pillage the enemy before a sign given for licence so to do, upon pain of death.

THIRTY-SECOND.—Every regiment or company of horse or foot that chargeth the enemy, and retreats before they come to hand-strokes, shall answer the same before a council of war; and if the fault be found in the officers, they shall be displaced and serve as private soldiers in the company they commanded, if in the soldiers, then every tenth man by lot shall be punished at discretion of the court.



THIRTY-THIRD.—No person shall presume to fight a private duel, upon pain of death.

THIRTY-FOURTH.—What officer soever shall come drunk to his guard, or commit any disorder in the camp-quarters or march, shall be displaced without mercy, and serve as private soldiers in the same company, and the next officer under him, whose due it is, shall have his place.

THIRTY-FIFTH.—The like punishment on a captain or other officer, that shall be negligent in framing and governing the company.

THIRTY-SIXTH.—All officers of what condition soever are hereby authorized to part quarrels, frays, and disorders, between soldiers, though of any other company, and to commit the disordered to prison for the present, until their proper officers are acquainted therewith; and what soldier soever shall resist, disobey, or draw his sword against such an officer, although none of his own, shall be punished with death.

THIRTY-SEVENTH.—If any officer shall grossly neglect any opportunity wherein he might have done service on the enemy, he shall be punished at the discretion of a court-martial.

THIRTY-EIGHTH.—Every inferior officer and private soldier shall be obedient to the utmost to execute the commands of their superiors, and whosoever shall fail herein, shall, according to the nature of the offence, suffer such punishment as by discretion of a court-martial shall be appointed, whether to loss of life, limb, or other inferior punishment.

THIRTY-NINTH.—All officers who shall send any prisoners to the marshal-general, or his deputies, shall, in twenty-fours after, send the cause and

• and reason of their imprisonment, without which the marshal is not to keep the prisoner longer in custody.

FORTIETH.—The cause of commitment of every prisoner is, by the said marshal, within forty-eight hours after commitment, to be delivered to the king's advocate, otherwise the prisoner to be released.

FORTY-FIRST.—That the advocate or his deputy do give every prisoner a copy of his charge twenty-four hours before he comes to his trial.

FORTY-SECOND.—No man shall presume to use any braving, or meaning words or gestures, while the court-martial is sitting, upon pain of death.

FORTY-THIRD.—If the marshal-general, or any of his deputies, shall dismiss any prisoner committed to his charge, or suffer him to make an escape, such marshal shall be liable to the same punishment due to the dismissed or escaped offender.

FORTY-FOURTH.—All other faults, disorders, and offences, not particularly mentioned in these articles, shall be punished according to the general customs and laws of war, by which our sovereign lord the king, by his general, the king of Sweden, and other renowned princes, have governed their armies.

LASTLY.—To the intent no persons plead ignorance, it is strictly ordered, that these laws military be published at the head of every troop and company of horse and foot at their first meeting after the date hereof, and once a month at least ever after, until orders to the contrary. Given under my hand and seal, this first day of January, 1666.

All these articles of war allowed by

SIR THOMAS LYNCH, *General.*

March 18, 1672-3.



PROCEEDINGS

PROCEEDINGS AGAINST SIR THOS. MODYFORD.

THE oath of Joseph Napman, commander of the Jamaica Merchant, now at anchor in Port-Royal Harbour, in Jamaica, taken the 12th of August, 1671:

YOU shall swear, that you will use your utmost endeavour, as commander of this ship, to bring home prisoner the person of sir Thomas Modyford, and him see delivered to his majesty's order, and that you will by no means directly or indirectly permit his escape. *So help you God, &c.*

JOSEPH NAPMAN.

Sworn before me, on board the said ship, this day above said,

Witness, ROBERT FREEMAN, sec.

THOMAS LYNCH.

JOHN COSTER, William Parker, mates of the Jamaica Merchant; William Pickson, boatswain; Thomas Hilliard, carpenter; Daniel Freeman, gunner; William Wise, Joseph Darton, Robert King, Joseph Purner, James Neale, Richard Hale, George Wins, Richard Floid, Jonas Gibson, John Hodges, Henry Pilgrim, Hugh Blake, Robert Browme-fleets, Marc Swaffen, Thomas Downes, Philip Pendry, John Stevens, John Biles, Leonard Smeathy, and Robert Thory, surgeon—You shall swear that you, nor any of you, directly or indirectly, shall permit the escape of sir Thomas Modyford, but shall obey all orders for the securing him, and bringing him prisoner to his majesty's presence. *So help you God.*

Sworn before me this 12th August, 1671, aboard the said ship,

Witness, ROBERT FREEMAN, sec.

THOMAS LYNCH.

WHEREAS I have orders from his sacred majesty to send prisoner for England sir Thomas Modyford, the late governor of this island, I have put said sir Thomas Modyford aboard the Jamaica Merchant, that is ready to sail; and have, for the better securing him, put twelve of his majesty's seamen there on board: nevertheless, I command and appoint you

you to watch every night on board, and moor your pinnace with a guard on stern, and put such sentinels, and take care that the said prisoner escape not during his stay in this port, whereof none of you are to fail at your utmost perils. Given under my hand this 14th of August, 1671.

THOMAS LYNCH.

*To Capt. Joseph Welgreese, commander of his majesty's ship Welcome;
Lieut. Joseph Keene, lieut. Isles, lieutenants of his majesty's frigate
Assistance;—and
Mr. Hawkins, master of the said frigate. These*

JAMAICA.

SIR THOMAS LYNCH, knight, his majesty's lieutenant-governor and commander-in-chief of this his majesty's island of Jamaica, and the dominions thereunto belonging, and vice-admiral to his royal highness the duke of York.

WHEREAS, by special order and directions from his sacred majesty, I am commanded to send prisoner into England under safe guard sir Thomas Modyford, bart. late governor of this his majesty's island, these are, therefore, in his majesty's name, to authorize and empower you, lieutenant John Buck, to take into your charge and custody the person of the said sir Thomas Modyford, and to take with you eleven of his majesty's seamen out of the Assistance frigate, who are hereby strictly commanded to obey you in all things, in order to the securing of the said sir Thomas Modyford; and in case of the death or disability of the said lieutenant John Buck, I do hereby appoint Mr. John Fogg to succeed in the care and command. And I do hereby require all the aforesaid seamen to obey him. And you are hereby further commanded and empowered to go on board the Jamaica Merchant, now at anchor, with the said sir Thomas Modyford, where you shall keep strict watch and guard over his person, as well here as in England or any other part where you shall be necessitated to arrive, and you are to follow such further instructions as I herewith give you affixed to this commission. Given under my hand and seal at Port-Royal, this 14th day of August, in the twenty-third year of his majesty's reign, that now is *annoque domini* 1671.

INSTRUCTIONS

INSTRUCTIONS and orders for lieutenant John Buck and Mr. John Fogg,
for the securing of sir Thomas Modyford.

JAMAICA, *ff.* August 14, 1671.

YOU shall go on board the Jamaica Merchant with the seamen under your command, and set a diligent watch and guard that the said prisoner escape not.

Whereas I appoint one of the officers of the frigates to watch here in port, you are to obey them for these few days they shall be here. You must take the oath with you which the commander, all his officers and company, have taken, to bring home the said prisoner and not to permit his escape.

You are to take special care that the men do not hinder the said captain or company in doing the ship's business.

You shall take care that the said ship goes to rights to the river of Thames, without touching at any place whatsoever, unless forced by distress of weather.

At the first place you touch at in England, you must send my small letter to my lord Arlington by the post.

When you arrive in the Downs, send Mr. Fogg, or some person you can trust, to my lord Arlington nor Mr. Williamson for orders; which, that you may have money to do, I have given you five pounds and Mr. Fogg three.

When you shall come into the river, you shall permit no boats but the king's to come on board, nor shall you upon any terms permit any of the seamen to go ashore, until you have his majesty's order concerning the said prisoner. Hereof fail not at your utmost peril. Given under my hand and seal, this 14th day of August, at Port Royal, 1671.

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THE PRESENT STATE OF JAMAICA,

IN A LETTER FROM

MR. NEVIL, TO THE EARL OF CARLISLE.

MY LORD,

I SHALL not presume to trouble your lordship with any description of Jamaica, in those particulars which can only prove mere repetitions of every man's relation that has been there, farther than what is necessary to explain my thoughts of the improvement and advantage, public or private, that has or may be made of the place, with the obstructions and dangers, whether casual or natural, which seem to threaten it. The largeness of the island, the many and good harbours, with the abundance of wood therein, are taking praises with such as only think of it in comparison with populous countries, that are defective in the like; but I am very sure they will soon fall under your lordship's consideration as some of the greatest inconveniencies that belong to it. An island of about three hundred miles compass, as this is, with not above ten thousand inhabitants; besides slaves, in it, must needs have those few dispersed at great distances, if they plant round the sea coast only; this makes it difficult, and of great inconvenience to the inhabitants in their domestic affairs, to unite for their common safety against any invader, whilst the harbours at the same time, being too many to be fortified or defended, leave such invaders safe passage in and out to destroy their dispersed plantations. The woods too, in the absence of the masters, become inviting receptacles to the slaves, who, by reason of the miseries they continually suffer, will never be unwilling to improve such an opportunity. These are not mischiefs like the common accidents of European nations when invaded, which, after some recess, soon return into order again; but, happening there, must bring assured ruin, because its nourishment and support in people and trade, depending upon the reputation the island has at home, that destroyed, the place is consequently so. And this I remember, upon discourse of it there, sir Henry Morgan did allow, saying to colonel Byndloss when with us, that, if he were now

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a privateer for the Spaniards, as he had been against them, he would not doubt to ruin the whole country, by burning and destroying the sea coast plantations, and though it cannot be the Spaniards interest in those parts, if we let them be quiet, to stir up a nest of hornets and force them upon privateering again, yet the French, having little to lose, and many poor rascals to employ in the Tortugas, do not want knowledge of the island of Jamaica, nor will enough, I fear, in case of war, to put it in execution, since it is certain the planting part once discouraged, the privateering trade must subsist by devouring the Spaniards as formerly, which produces another benefit to the French, by disturbing their hereditary enemy. So that so far I concur with sir Thomas Lynch in saying, that planting and not privateering is the true interest of England in that island, yet I cannot but think, that the greatest mistake could have happened in doing it was the forcing the planters, for want of convenience, to run to the north side of the island; and, where ground may be had at three pounds an acre; although I allow the ground to be as good for canes, when with great charge and labour cleared, yet the vast expence, for want of savannas, in forcing a competent quantity of pasture for cattle, is a burden for cattle scarce supportable, besides the open condition they are in, to all invasions and revolts of the negroes. A taste of the latter of which mischiefs they had the last year, when many families were murdered by some few blacks that went out, and the whole island alarmed and disturbed with fears and apprehensions of the rest.—My lord, I have insisted the more upon this particular, because it has been occasioned by the manner of the former governors proceedings, in setting out the savannas and other lands on the south side, which, had they been but granted in moderate and improvable portions, would have proved a greater quantity than the increase of the people for many ages could have employed by planting; but, on the contrary, several particular first comers, having obtained title to six, eight, ten, nay some twenty, thousand acres a man, have left no room for neighbourhood on that side, where those delicate savannas, if divided into proportionable parcels, had given a comfortable support to the planters family by cattle, &c. without the charge of clearing, whilst his neighbouring plantation had been going on in its improvements. This, my lord, foreseen and practised, had perhaps given a security in the beginning to the most improvable and best situated colony we have in the Indies, both for the commodities it produceth, and the annoyance it might give to any of our trading enemies that have dominion in those parts; nor had it then been subject to foreign disturbance,

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the people being united to resist them, and the enemy landing on the north side would have found nothing of value to destroy, nor useful to carry away, besides fresh water; and this I am persuaded might yet, by your lordship's wisdom, be remedied, if you would obtain a law for excheating all lands that have paid no quit-rents, and are not likely to be improved by the owners on the south side, or at some additional rent certain to the present improving properties; free farms, or the like titles, for a long term of years, might by law be compelled to be granted to the real planters who should request it.

The next thing to be wished for in that world is a trade with the Spaniards, but will find so many obstructions from their jealousies and interests in the beginning, that will require a more than ordinary care in conducting it, and some assistance here at home, by making it practicable. It is not to be thought that the Spaniards can quickly forget all the mischiefs continued upon them by us in those parts; mischiefs, indeed, of such a nature that, had not the particular interests of private adventurers, that carried on depredations there, made all the rumour of cruelty run against that nation, must long ago in policy have been prevented; for it may be truly said, that though it has been the Spanish navigation, yet was it the English trade, that has been disturbed by privateering in those parts; and it is not unlikely that we, instead of the Flemings, had been the convoys and sharers in their rich flotas, if we had given them no frequenter cause of enmity to us in those parts than the Dutch have done. But, my lord, to gain a trade with them, I cannot but think the likeliest way would be, first, to make some new contract with the undertakers at Madrid for supplying the Spanish West-Indies with negroes, and this I am confident would be easy to be done, if your lordship would induce his royal highness and the African company to endeavour it; since I once tried the matter and found, by advice from Spain, that they were very ready to treat with us, and to break with the Hollanders, who supply them at present from Curacoa. The method then thought of for carrying on the work, if your lordship pleases, shall be presented to you. Another great and effectual step to a trade with them, would be for us heartily to endeavour to make the navigation in those parts safe; for since we have left disturbing the Spaniards ourselves, and getting the little profit that accrued thereby, it should be our interest, methinks, not to suffer any others to do it, and least of all the French, who, since sir Henry Morgan shewed them the way to take Pana-

ma, are the only people in the world who, in those parts, we should fear; whilst our privateers wear away or are drawn off to planting. And I must confess I think there is no difference between our being at war there with Spain, and suffering others effectually to be so; for, should Panama fall to the French hands, the manufactures of France would supply the South Sea, and all the riches of the world would be theirs, nor could all the strength of Europe ever recover that place, when once fortified by them. I fear I shall trouble your lordship too much with politics, but yet I cannot but think that a trade with the Spaniards would be worth all the cost of reducing the French to nothing on Hispaniola and the Tortugas, if a breach with them should ever happen to give opportunity for it; and I am very confident that the government of Jamaica for the time being would find the Spanish ports open to all the ships commissioned to that end; so that private trade would more than recompence the charges of the war, and open the way in the end for a public one, under some regulations of perpetual guarding those seas against privateers, who, as long as they have protection from France, will otherwise forever infect them.

This true maintaining of the peace would leave the Spaniards without excuse for their perpetual injuries in the Gulph, and make them disarm those privateers they now have just cause to keep at the Havannah, which place is situated at the entrance of the channel, that it will be impossible to avoid their searches by all the force that could be placed in station there, to guard the passage through the Gulph of Florida. But some do project that the taking of the Havanna is practicable, which I will not deny; but necessary I can never admit it; for, when we should attempt it, a war with the Spaniards in those parts must again break out, and then an end to the improvement begun and designed at Jamaica; besides, if rightly considered, except that island, the Barbadoes, Bermudas, and our considerable North-West plantations, we have too much in that world already. Then if the French should take it and make it one of their stations, what would be the consequence of such a bridle in our jaws, and the reins in the French hands—no less than the total loss of the trade to Jamaica; for, in any rupture between the two crowns, the Tortugas on the coast of Hispaniola, and the Havanna upon Cuba, would leave no passage from Jamaica but through their very mouth, and then farewell to the trade of logwood, so much contended for by us, and so much insisted on by the Spaniards; a trade, indeed, though profitable, that should either
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be adjusted or deserted; for as the injuries done them by Englishmen daily, under French commissions, provoke them to esteem us thieves and truce-breakers, and cause them to arm upon that coast, so the logwood they find on board is the pretence and private excuse for their rapine in making us prizes when they take us carrying it in our ships. And now, my lord, I will presume humbly to offer your lordship my opinion upon the several foregoing particulars, and it is briefly thus: first, that peace with the Spaniards in those parts is to be preferred to war. Secondly, that we have such peace, it is absolutely necessary to prevent the French making war upon them there; for, otherwise, whilst we grow weak they grow strong, to our hazard and loss, as much, if considered on all sides, as that of the Spaniards. Thirdly, that an absolute quieting of those seas is not only very necessary and feasible but very easy. Fourthly, that the doing of it would produce private trade, and perhaps in the end introduce public. Fifthly, that before this can well be done it is absolutely necessary to end the controversy about cutting wood at Campeche, &c. either by saying it is plainly ours, or by disclaiming it to the peril of the cutters. Much of this which I have said will I believe appear superfluous and unnecessary, yet it is in your lordship's power, by neglecting it, to prevent its being troublesome; but, having made such remarks, I could not persuade myself to omit putting them in writing, and waving much more that might be said. Concerning this colony, as it stands in opposition or conjunction to foreign trade and interest, I shall presume to enlarge something further, and speak of it as I think it bears to this nation or to itself. As for the thriving and lasting commodities we can expect from the growth of it, they are only sugars, ginger, cottons, indigo, annotta; for as to that pleasant spice called pimento and cocoa, the first of them must needs be exhausted, since the trees from whence it is gathered are, without hopes of replanting, always cut down for it; the second, I fear, is as unlikely to thrive, notwithstanding the daily hopes and attempts about it, and it will not be impertinent for me to offer the reasons I have for my opinion in this particular, if it were only to prevent your lordship's wasting money and time about it, should you be persuaded like others to try, till some of them first succeed. The Spanish negroes who came in after our conquest of the island, and of whom some yet remain free there, did still forebode that no cocoa which the English planted would thrive, which hitherto has proved prophecy, though the reasons for it be only superstitious; for, upon examination, they impute the good success the Spaniards had in that plant to the religious ceremonies used at the first putting

putting it into the ground, which was always done with great processions of friars and other religious, who consecrated the walk to that purpose; but, considering the Spanish policy in concealing the way of making cochineal, curing vanillas, and managing their other profitable productions in the Indies, not hitherto with all the industry of their envious neighbours discovered, together with the ill success the English have to this time in their cocoa walks, as the negroes have foretold, I am of opinion that, under the ceremonies of religion, the Spaniards hid from their slaves some necessary secret in its planting; and I am so the more, for that it is no native plant of Jamaica, but first brought thither from the Carracas, a remote province at the bottom of the island, sea, or gulph, of Honduras, from whence perhaps they from time to time revived their plants, with the private way of setting and cultivating of them. I submit this conjecture of mine to your lordship's consideration, and shall proceed to acquaint your lordship that, besides the aforesaid commodities, which I conclude as lasting as their usefulness, there may also in time arise great profit by hides to the English, as formerly did to the Spaniards; and I have known sir Thomas Lynch account his savanna lands in that country, of which he hath a great quantity, a suter interest there than his plantations though considerable, by reason of the great number of beasts that may be bred upon them. The next thing, my lord, I shall take notice of is the government of that place, which his majesty has been pleased to manage hitherto by a governor possessed as to the execution part of all powers ecclesiastical, civil, military, and marinary, assisted by twelve councilors, who being appointed here without his advice, he is in some cases restrained. These, in time of their petty parliaments, called assemblies, supply the place of a house of lords as to the legillative part, but are no court of judicature nor of appeal, neither then or at other time; and though their power be not much, yet by the title they hold their places, which is an immediate nomination from his majesty, either in the governor's patents or by particular signs, they have a considerable influence over the people, and can almost with impunity, if not well pleased, vex and disturb the governor in most things he attempts or does; so that before your lordship takes out your warrant for your patent, nothing is more necessary to be considered than the men to be appointed of your council; for being not of your own choice, nor such as can piece in one interest for the king's and your lordship's service, you will find yourself always made uneasy by them; but, being such as you may for principles confide in, you will find every thing besides facile. I pray
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pardon me, my lord, if I presume to go further, and say that it is absolutely necessary they should, as is practicable, be all of one interest, so it is truly so that they be not of some men's interest that have governed there already; of whom, in the first place, sir Thomas Modyford's people are to be avoided most, not that he has many there, being a man so universally hated, that coming back in full cry with my lord Vaughan to that island, a supposed triumpher over the court here and their governor's undoubted prime counsellor, if not governor, yet he could not, upon his attempting it, get himself elected assembly man in any one precinct, so much are his immoralities known and dreaded by the islanders. This though true may seem strange, when we supposed him here to have so great an interest that a revolt of the islanders for him might be feared at his return thither, which is a thing has often been suggested and believed. The occasion of this opinion was a petition sent to his majesty, subscribed by most of the considerable men of the island, for his return to them as governor, when he lay in the tower charged and truly guilty of divers capital misdemeanors, as some papers I have by me will make appear, besides great sums of money which he did and doth owe to his majesty; but the petition was neither procured nor signed by his interest nor for the love of him, but at another's request, and in opposition to sir Thomas Lynch, who for discouraging privateering was at his first arrival there very odious to them all; and I cannot forbear letting your lordship know, before I leave this point, that sir Thomas Modyford's advice has been the cause of all or most of the dislikes and hatred that have attended my lord Vaughan, both here and there. He first put him upon mercenary tricks of felling his servants and his own honour together, then of running to Cape de Verd and employing a sloop of his majesty to interlope for negroes, contrary to his solemn promises to his royal highness and the African company; and his underhand joining with others to interlope from Holland, to the advantage of sir Thomas Modyford, and not of himself, who, by such insinuations and advices as he thought properest for my lord's nature, got into him, pretending to furnish him with house-room, meat, drink, and fruit; but, when he had gained his point thereby, and found that my lord grew hated there and slighted here, then he charged him with a bill of some thousand of pounds for such petty conveniencies, at most excessive rates, having got his money before hand into the custody of his son, Charles Modyford, whom, by false pretences and promises, he had procured to be made by my lord his sole agent, trustee, and tactor, here; the doing of which, as well

well as all other things, he advised not my lord of, and has thereupon taken from him the chief-justice's place of the island, which I do verily believe he could not have put into a worse man's hands; for, besides his declared and avowed antimonarchial principles, he is the openest atheist and most profest immoral liver in the world, as your lordship will soon discover if ever you have to do with him; so that I am confident it would be necessary for your lordship not only to be careful, to avoid mixing with him, but likewise to get some particular instructions to call him to account there for his former actions, whereby your lordship will make him more yours than all the obligations in the world can do, for he dare profess himself an avowed enemy to all gratitude and other laws of humanity. I shall make mention in the next place of the lower house of assembly, which consists of about thirty-six members, elected by the freeholders of the several towns and precincts, two for each; and these, as much as they can, strive to imitate our English house of commons, and when they are not in humour can be as troublesome; for the revenues of the island being to be raised by their act, they are so jealous that they will lay no taxes but from two years to two years, because an instruction hath hitherto been given to the governors, and indeed is made a kind of fundamental policy here, to keep a hand over them, that their laws, of what nature soever, should last no longer than that time, except ratified under his majesty's great seal and sent back. This point is worth your lordship's serious consideration, and may admit of alterations; for, instead of keeping the people in due obedience, it is the main spur to disloyalty. Some laws, in my opinion, being absolutely necessary in all communities to be fundamental and no ways subject to accidental dissolution or change,—as to instance only in few: first, such as require obedience to the sovereign authority; next, those that respect possession, succession, or inheritance; and lastly, such as have a regard to the ordinary support of the government and the defence of the whole against foreign or domestic disturbances; but in all these is Jamaica wholly defective, and consequently very subject to troubles and mutations. This might easily be remedied, if some laws were first considered of here that might provide for all those several heads, and be sent thither under the great seal, to be the foundation of their government, and guides to their proceedings in their assemblies. Without some such way, that place may soon have the like convulsion as Virginia hath lately had; for, let us consider the time that sir Thomas Modyford governed there, being about five years, during three of those that place had no laws at all, he having held but one assembly,
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and that at his first coming; whose laws, for two years, he transmitted here, pretending to have them ratified, but so contrived that my lord Clarendon, their chancellor, should be the person should take care of doing it; which, being neglected, as it was not unlikely it would be amongst his greater concerns, sir Thomas made by that means his will his law, governing by that in his own breast; and to this day they have had no proceedings of his during that time either ratified here or there. Another thing of pernicious consequence to that place, has been a law he at first introduced, and hath ever since continued by those that get by it from two years to two years, which is, that all the laws in force in England are so here too: A thing ridiculous in itself, and extremely troublesome in its consequence; for why should a mighty volume of statutes, one half of which are either useless or vexatious to ourselves here, be at one time introduced there, where in an hundred years they cannot be considerable enough in number to have occasion for the hundredth part of them. But this sir Thomas Modyford invented, that he might encourage a parcel of petty-foggers to set the people together by the ears, in the endless labyrinths of law, whilst he, having a smattering therein more than the rest, might become the sole oracle to them and the whole colony. This, my lord, he did to encourage vexatious and troublesome proceedings, that the whole wealth of the island came into the hands of attornies and solicitors, and became so grievous that the assembly, in sir Thomas Lynch's time, made a law that every man should plead his own cause. This did rather hurt than good, for the lawyers suppressed, and the laws continuing as voluminous as before, the cunningest knave carried all before him; and, indeed, none but such as intended to cozen every body durst or did become administrators to the dead, or guardians to children, so that, perceiving the wolves increase, they were forced to let go the tamer devourers the lawyers. My lord, this is worthy your lordship's consideration; and such statutes as might be adapted to the place, might be called out here, and ratified amongst the fundamental instructions that are necessary to be sent under the great seal, for the perpetual governing of that country, by which means matters will be not so intricate as they are now, nor the colony discouraged by the litigiousness of knaves. Besides, my lord, if some laws of the several kinds afore said were perpetuated, then might a governor act for the service of his majesty and good of the colony without fear, which he can never do till some revenue for the necessary support of himself be made perpetually; for, to be at the mercy of the rabble every two years for what shall defray his expences, is a trouble not to be supported

by a generous and great mind, and forces the governor upon little popular tricks to insinuate by, and gives discontent here. My lord, I cannot chuse but think once more it is necessary to be said of this matter, though I confess too that which is here discoursed by me may seem impertinent, since it is likely your lordship has had better information concerning things from other hands than I am able to give; but nevertheless, since I have gone so far, I will proceed to take further notice of the government there, which, according to instructions from hence, hath a great if not too much conformity with the practice of this kingdom. There is first a court of chancery, which is held by the keeper of the great seal of the island, who is at present the governor, and I suppose will still be so. The proceedings there in equity are much of the nature of ours; but besides that the governor is by the keeping of the seal chancellor, he hath thereby the granting all lands with a fee belonging to it, as also the naturalizing all strangers, as well Jews as others, having for every Jew upon his naturalizing, I remember, one hundred and twenty pounds. He likewise thereby grants cure of souls, administrations, guardianship of children, probate of wills, licenses for marriages, and other matters ecclesiastical. So much, my lord, in short, for the seal. The next court is that they call the grand court, which hath a chief-justice, assisted with three or four more other judges, at the pleasure of the governor; out of this court issue all original writs and process, directed to the marshal-general or his deputies, who supply the place of sheriffs all over the island. This place sir Thomas Lynch hath by patent for life. The grand court hath all the jurisdiction executed here in the king's bench, common pleas, and exchequer, and is held by way of grand sessions or terms at the town of St. Jago de la Vega. Sir Thomas Modyford was chief-justice, and his creatures his fellow-judges there, until of late, when my lord Vaughan dividing with him took the place away. The next court considerable is one of common pleas, held at the town they called the Point, by judges certain, who can only hold plea under five pounds, receipt by writ of justiciary, issued from the chief-justice of the island. There are three other courts of the like nature with this. Besides these, there are quarter-sessions held in every precinct of the same power with these in this kingdom, having custos rotulorum, clerk of the peace, &c. There is also, besides these common law courts, a court of admiralty held by one or more judges, wherein my lord Vaughan placed sir Henry Morgan, colonel Byndloss, &c. which court exercise all power that the admiralty can do here. These are all the ordinary courts of the island; but, upon occasions

occasions, criminal courts of theoyer and terminer are by the governors erected where they have been pleased. Some of them upon extraordinary design, to hang a man, do sit judges themselves. For the military power, it has usually been in the hands of the governors, assisted by a lieutenant-general. At present, sir Henry Morgan, who is likewise by patent lieutenant-general, and a major-general at present, vacant by the death of major-general Banister. The office of the last, besides the command that the title implies, hath been in some sort commissary-general of the musters, which is a place absolutely necessary, and of great use for the strict observing that the proportions of whites be kept up according to the law, in which consists a great part of the security of our lives; but of this much will fall under your lordship's consideration, when you shall think of the African company's interest in that island, and the way to prevent interloping, which, whilst suffered, will infallibly produce clamour and trouble to the governor; for, if it be his care only to suppress them, then he will lose the good will of his people if he be zealous in it, and if he be not he has undoubtedly lost the friendship of the company, and consequently of his royal highness, which will make him more uneasy at court. But this well adjusted, authorized, and put under the inspection of a major-general, will prevent all mistakes and clamours against the governor, and be five times the profit to him, than joining in interloping (as some governors have done) can be. I shall not enlarge upon this without your lordship's further commands, but proceed to acquaint your lordship, that the number of men in arms there, being all whites above sixteen years of age that are one month resident in the place, amount to above five thousand, under colonels, &c. much in the nature of a militia, but upon occasion a little more subject to martial laws; and besides those at the Point, do in their turns keep guard at the fort there, and also serve instead of constables and watches to keep the streets quiet at night. The officers in pay are only a governor of the fort, and one or two more. This, besides exercise, is all the duty of the soldiers, except that a squadron of the governor's own troops, commanded at present by one captain Hender Moleworth, one of the council, does mount every Sunday to wait on the governor's coach to church, if at St. Jago. The colonels are generally of the council, but all at the disposal of the governor, as indeed are all other places both military and civil, except the two general officers, the twelve councillors, and patentee places. The next thing I shall observe to your lordship is the revenue, which arises principally by the customs or impositions upon wines, brandies, beer, ale, and all other imported commodities

modities, imposed by act of assembly from two years to two years, for longer they will not trust the governors to omit the necessity of calling of them; lest such laws as are sent home for ratification, which are for their interests and safety, should become void for want of such meetings; and so, for the future, they might be forced to live under such only as the king's royal pleasure should appoint them. This revenue is not much, but sufficient at present to pay the governor two thousand pounds *per annum*, a lieutenant-governor six hundred pounds *per annum*, besides their establishments in England; the chief-justice has likewise a hundred and twenty pounds *per annum* out of it, with some salaries to the governor of the fort and other officers of the fort, customs, &c. besides a little surplufage for fortifications and other incidents, so that indeed it is or ought to be, by the establishment upon it, at least three thousand five hundred pounds *per annum*. There are also his majesty's rents for the lands granted, which, were all paid that were due, would amount to near two thousand pounds *per annum*; this might however be remedied by a necessary law and an escheat. This quit-rents have been hitherto a perquisite of the governments; for, by reason, that his majesty, by his original charter of settlement of that island, was pleased to free it from answering any profits to the crown for a certain number of years, seven or eight whereof are unexpired, no account is demanded hither from thence, and they have been wise enough not to let the country call them to an account for the rents of the land, which they, as stewards to his majesty, have a right to receive. Something further is worth your considering upon this subject, which I shall at your lordship's request communicate my thoughts of. My lord, this is all I can properly call revenue, though there are other profits that accrue to the governors divers ways, as by the seal of admiralty, forfeitures, &c. But, not to make my account longer than the matter requires, I shall in short declare that which I believe, that government is uprightly at present worth, not mentioning the casual profits such a place may bring in, between five and six thousand pounds *per annum*, which I reckon by these branches:—One thousand six hundred pounds from England, *per annum*; two thousand from the country's establishment, the quit-rents; one thousand and the profits arising from the seal by naturalization, &c. about a thousand two hundred, or a thousand three hundred, pounds *per annum*. This is truly near the matter, though some will undervalue it, and reckon it much less; others again are as extravagant in their computations, calling it ten or twelve thousand pounds *per annum*. I must confess I believe

lieve a governor of your lordship's qualities and qualifications would soon find it increased by the country's kindness, nor would any man, I humbly conceive, in this nation find so easy as your lordship would do, whose name, by honest sir Henry Morgan's means, is as generally mentioned with honour and good wishes in their healths as if they had found the good effects of your lordship's government there already; and, next his majesty's and his royal highnesses, no health so often drank, especially at his and his brother's in law colonel Byndlofs's tables, and these are the two men indeed who have the true and most prevalent interest in the country; sir Henry from his eminent and famed exploits in those parts, together with his generous and undesigning way of conversing with them, colonel Byndlofs by the same generosity and frankness of conversation, mixt with one of the most able understandings that I ever yet met with; and, were my judgments considerable to your lordship, I should not stick to own I think, considering every thing, few clearer thinkers are to be found in the world, though having a plentiful fortune, which he has acquired there by his industry, he does not bend himself to flattery and other little arts, but plainly and above-board offers counsel, which, if accepted, no man more zealous by labour to make his advice succeed; but, if not, then his standing but by, and retiring without one word of discontent, being more jolly than envious in his temper, yet is that sufficient to influence things to go uneasy with any man that has use of those people, as my lord Vaughan to his great loss in the assembly he called, for closing with sir Thomas Modyford and neglecting sir Henry Morgan and his brother Byndlofs, all things went heavy that concerned him there, and forced him upon little violences, which have aggravated matters against him. This I have the more enlarged upon, knowing some persons here may give a contrary character of the men, it being their interests to do so. When I reflect, my lord, how tedious I have been, I am ashamed, yet I hope your lordship will excuse it, since it proceeds from a disinterested zeal to your service, though I must confess there is no man's in the world, except the king's commands and business, should be so embraced by me; for, like every body else that has had the honour of knowing your lordship, I am one of your true admirers, and shall upon all occasions endeavour to express myself, my lord,

Your lordship's most humble and most obedient servant,

THE

THE EARL OF CARLISLE'S SPEECH

TO THE

ASSEMBLY OF JAMAICA.

THE HEADS OF THE SPEECH.

THAT he would not say the body of laws which he had now brought were altogether the same which were sent home the last time, the council of plantations having had but one day of meeting after they came; neither could he answer for the exactly true writing of them, because the great seal was affixed to them but two days before he came away, and so had no time to compare them.

Those he said that were present, when his commission was published, might observe some alteration in the model of the laws, the stile and title being changed to the king and assembly, which we had no reason to be displeased at, it being a greater honour than any plantation ever yet had.

That the laws which were to be made for the future were to be made like as they are made in Ireland.

That we were under great obligations to his majesty for his particular care and extraordinary charges in maintaining this island, and therefore he hoped it would oblige us to such suitable returns as his majesty might be pleased with.

That the king looked on this island as his darling plantation, and has taken more pains to make this island happy than any other of his colonies.

That among other acts he should send us to-morrow, the first would be the act of the revenue, and that there was a necessity of making some dispatch of it, because of arrears due to the officers and forts lately built, for which people were yet unpaid; for the building whereof we stood obliged to sir Henry Morgan for his care and pains.

That

That his majesty was displeased with us for passing some acts in former assemblies, without using his name, and that never yet any such thing was done in any of his plantations or dominions. That, in the acts of militia last made, there was a clause left out saving the governor's power, but he hoped none would be willing to derogate from the power his majesty gave his governors in his commissions, and that he hoped if scruples did arise amongst us we would repair to him before we passed any vote, that he might satisfy us.

That he much coveted things might be so managed that the king might be fully satisfied with us; that the restraint that both he and we lie under in the new laws he brought over cannot be altered, for that he had no power to do it, but should be glad if he had.

That he always had been accounted a man of property, and was in nothing more affected than to do good to this place, and came with an intent so to do, and therefore would not by his power lead us into inconveniences or our posterity.

A REPORT

A R E P O R T
OF THE
RIGHT HONOURABLE THE LORDS OF THE COMMITTEE
FOR
TRADE AND PLANTATIONS,
TO THE KING,

At the Court of Whitehall the 28th of May, 1679.

PRESENT,

The KING's most excellent MAJESTY,

*Lord Archbishop of Canterbury,
Lord Chancellor,
Lord President,
Lord Privy Seal,
Duke of Newcastle,
Duke of Lauderdale,
Earl of Essex,
Earl of Bath,
Viscount Faulconbridge,
Viscount Halifax,
Lord Bishop of London,
Lord Roberts,*

*Marquis of Worcester,
Marquis of Winchester,
Lord Chamberlain,
Earl of Salisbury,
Earl of Bridgwater,
Earl of Sunderland,
Lord Russel,
Lord Cavendish;
Mr. Secretary Coventry,
Sir Henry Capel,
Sir William Temple,
Mr. Powell,*

Mr. Scimore, master of the ordnance.

WHEREAS there was this day read at the board a report from the right honourable the lords of the committee for trade and plantations, in the words following:

MAY

MAY IT PLEASE YOUR MAJESTY,

WE have, in obedience to your majesty's commands, entered into the consideration of the present state of your majesty's island of Jamaica, in order to propose such means as may put an end to the great discouragements your majesty's good subjects there lie under, by the unsettled condition thereof; occasioned by the refusal of the laws lately offered by the earl of Carlisle to the Assembly for their consent; at which proceedings dissatisfaction appears to have risen in the manner following: By the commission granted by your majesty unto the lord Vaughan and several preceding governors, it was your majesty's royal pleasure to intrust the assembly of Jamaica with a power to frame and enact laws, by the advice of the governor and council; which laws were to continue in force for the space of two years and no longer: but so it hath happened, that your majesty, finding the inconveniences that did attend that power and manner of making laws, by the irregular, violent, and unwarrantable, proceedings of the assembly, was pleased, with the advice of the privy council, to provide, by the earl of Carlisle's commission, that no laws should be enacted in Jamaica, but such as, being framed by the governor and council, and transmitted unto your majesty for your royal approbation, were afterwards remitted unto Jamaica, and consented unto by the assembly there; and, in pursuance thereof, the earl of Carlisle carried over a body of laws under the great seal of England; which laws, upon his lordship's arrival there, have been rejected by the general assembly, upon grounds and reasons contained in an address to your majesty's governor, and in divers letters received from his lordship in that behalf.

1st.—In the first place, we find, they are unsatisfied with a clause in the militia bill, whereby it is provided, that the governor may upon all occasions or emergencies act as governor-in-chief, according to and in pursuance of all the powers and authorities given unto him by your majesty's commission; fearing that thereby they shall make it legal to execute all instructions that either are or shall be sent unto your majesty's governor,

2d.—They have likewise rejected the bill for raising a public revenue, as being perpetual and liable (as they say) to be diverted.

3d.—It is objected, that the said laws contain divers and fundamental errors.

4th.—That they were not compared with and amended by the last laws sent over by the lord Vaughan.

5th.—That the distance of place renders the present method of making laws wholly impracticable.

6th.—That the nature of all colonies is changeable, and consequently the laws must be adapted to the interest of the place, and must alter with it.

7th.—That thereby they lose the satisfaction of a deliberative power in making laws.

8th.—That this form of government renders your governors absolute.

9th.—That by the former method of making laws your majesty's prerogative was better secured.

These being the objections and pretensions upon which the assembly have, with so much animosity, proceeded to reject those bills transmitted by your majesty, we cannot but offer, for your information and satisfaction, such a short answer thereunto as may not only give a testimony of the unreasonableness of their proceedings, but also furnish the governor, when occasion shall serve, with such arguments as may be fit to be used in justification of your majesty's commission and powers granted unto him.

1st.—It is not without the greatest presumption that they go about to question your majesty's power over the militia in that island, since it hath been allowed and declared, even by the laws of this your kingdom, that the sole supreme government, command, and disposition, of the militia, and of all forces by sea and land, and of all forts and places of strength, is residing with your majesty, within all your majesty's realms and dominions.

2d.—The objection made against the bill for the public revenue hath as little ground, since its being perpetual is no more than what was formerly offered by them unto your majesty, during the government of sir Thomas Lynch, in the same measure and proportion as is now proposed; nor can it be diverted, since provision is thereby expressly made, that the same shall be for the better support of that government; besides, that it is not suitable to the duty and modesty of subjects to suspect your majesty's

jeſty's juſtice or care for the government of that colony, whoſe ſettlement and preſervation hath been moſt particularly carried on by your majeſty's tender regard, and the great expence of your own treaſure.

3d.—It cannot with any truth be ſaid, that theſe laws contain many and great errors, nothing having been done therein but in purſuance of former laws, at divers times enacted by the aſſembly, and with the advice of your majeſty's privy-council, as well as the opinion and approbation of your attorney-general, upon peruſal of the ſame.

4th.—To the fourth objection it may be answered, that, if any thing had been found of moment or importance in the laſt parcel of laws tranſmitted by the lord Vaughan, your majeſty's tender care of your ſubjects welfare would have been ſuch as would not have ſent thoſe bills imperfect or defective in any neceſſary matter,

5th.—Aſto the diſtance of place, which renders, as they ſay, the preſent method of making laws altogether impracticable, your majeſty having been pleaſed to regulate the ſame by the advice of your privy council, according to the uſage of Ireland, ſuch care was then taken that no laws might be wanting which might conduce to the well being of that plantation, and that nothing might be omitted which in all former governments had been thought neceſſary; nor is it likely that this colony is liable to greater accidents than your kingdom of Ireland, ſo as to require a more frequent or ſudden change of laws in other caſes than ſuch as are already provided for upon emergencies, or in other manner than is directed by your majeſty, whereby the inhabitants have free acceſs to make complaints to your governor and council of any defect in any old law, or to give reaſons for any new one, which being modelled by the governor and council into form of law, and tranſmitted unto your majeſty, if by your majeſty and council found reaſonable, may be tranſmitted back thither to be enacted accordingly.

6th.—It was ſufficiently apparent to your majeſty, that laws muſt alter with the intereſt of the place, when you were graciouſly pleaſed to lodge ſuch a power in that government as might not only from time to time, with your majeſty's approbation, and by advice both of your privy council here, and of your governor and council there, enable the aſſembly to enact new laws anſwerable to their growing neceſſities, but even upon
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urgent occasions to raise money for the security of the island, without attending your majesty's order and consent.

7th.—It is not to be doubted but the assembly have endeavoured to grasp all power, as well as that of a deliberative voice, in making laws; but how far they have thereby intrenched upon your majesty's prerogative, and exceeded the bounds of duty and loyalty upon this pretence, may appear by their late exorbitant and unwarrantable proceedings during the government of the lord Vaughan, in ordering and signing a warrant unto the marshal of the island, your majesty's officer of justice, for the stopping and preventing the execution of a sentence, passed, according to the ordinary forms of law, upon a notorious pirate and disturber of your majesty's peace. And they have further taken upon them, by virtue of this deliberative power, to make laws contrary to those of England, and to imprison your majesty's subjects; nor have they forbore to raise money by public acts, and to dispose of the same according to their will and pleasure, without any mention made of your majesty, which hath never in like cases been practised in any of your majesty's kingdoms. How far, therefore, it is fit to intrust them with a power which they have thus abused, and to which they have no pretensions of right, was the subject of your majesty's royal commission, when you were pleased to put a restraint upon their enormities, and to take the reins of government into your own hands, which they, in express words, against their duty and allegiance, have challenged and refused to part with.

8th.—It cannot with any truth be supposed, by the present form of government, that the governor is rendered absolute, since he is now, more than ever, become accountable to your majesty of all his most important deliberations and actions, and is not warranted to do any thing but according to law and your majesty's commission and instructions, given by advice of your privy council.

9th.—And whether your majesty's prerogative is prejudiced by the present constructions, is more the concernment of your majesty and the subject of your own care, than of their considerations.

And lastly, and in general, we humbly conceive that it would be a great satisfaction to your subjects there inhabiting, and an invitation to strangers, when they shall know what laws they are to be governed by, and a great
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case to the planters not to be continually attending the assemblies, to re-enact old laws, which your majesty hath now thought fit in a proper form to ascertain and establish; whereas the late power of making temporary laws could be understood to be of no longer continuance than until such time laws, founded upon so many years experience, should be agreed on by the people, and finally enacted by your majesty, in such manner as hath been practised in other your majesty's dominions to which your English subjects have transported themselves. For as they cannot pretend to greater privileges than have been granted to them, either by charter or some solemn act under your great seal, so having, from the first beginning of that plantation, been governed by such instructions as were given by your majesty unto your governors, according to the power your majesty had originally over them, which you have by no one authentic act ever yet parted with, and having never had any other right to assemblies than by permission of the governors, and that only temporary and for probation, it is to be wondered how they should presume to provoke your majesty, by pretending a right to that which hath been allowed them merely out of favour, and discourage your majesty from future favours of that kind, when what your majesty ordered for a temporary experiment, to see what form would suit best with the safety and interest of the country, shall be construed to be a total resignation of the power inherent in your majesty, and a devolution of it to themselves and their wills, without which neither the law nor the government, the essential ingredients of their subsistence and well-being, may take place among them. Since, therefore, it is evident that the assembly of Jamaica have, without any just grounds, and with so much animosity and undutifulness, proceeded to reject the marks of your majesty's favour towards them, and that your majesty's resolutions in this case are like to be the measure of respect and obedience to your royal commands in other colonies, we can only offer, as a cure for irregularities past, and a remedy against further inconveniencies, that your majesty would please to authorize and empower your governor to call another assembly, and to represent to them the great convenience and expediency of accepting and consenting unto such laws as your majesty has under your great seal transmitted unto them, and that in case of refusal, his lordship be furnished with such powers as were formerly given to colonel Doyley your first governor of Jamaica, and since to other governors, whereby his lordship may be enabled to govern according to the laws of England, where the different
nature

nature and constitution of that colony may conveniently permit the same, and in other cases to act with the advice of the council in such manner as shall be held necessary and proper for the good government of that plantation, until your majesty's further orders; and that by all opportunities of conveyance the governor do give your majesty a constant and particular account of all his proceedings, in pursuance of your majesty's instructions herein.

Upon reading which report, and full debates thereupon, his majesty was pleased to approve the same, and the right honourable Mr. Secretary Coventry is hereby directed to prepare such suitable orders and instructions as may answer the several parts and advices contained in this report.

ROBERT SOUTHWELL

AN

AN ADDRESS
OF THE
ASSEMBLY OF JAMAICA
TO THE
EARL OF CARLISLE.

To his excellency Charles earl of Carlisle, &c. captain general, governor, and commander-in-chief, of this his majesty's island of Jamaica.

The humble address of the assembly of this his majesty's island of Jamaica, in answer to the report of the right honourable the lords of the committee of trade and plantation, made to his majesty and council, which we entreat your excellency may be humbly presented to his most sacred majesty and council:

MAY IT PLEASE YOUR MAJESTY,

WE, your majesty's most loyal and obedient subjects, the assembly of this your majesty's island of Jamaica, cannot without infinite grief of mind read the report made to your majesty by the right honourable the lords of the committee for trade and plantations, wherein, by the relations made by their lordships unto your majesty, they have represented us as a people full of animosity, unreasonable, violent, irregular, undutiful, and transgressing both the bounds of duty and loyalty; the bitterness of which characters were we in the least part conscious to have deserved we should, like Job, have said, *Behold we are vile: what shall we answer? we will lay our hands upon our mouths.* But lest our silence should argue our guilt, we shall, in all humility, endeavour to make appear that we have always demeaned ourselves as becometh good and obedient subjects, and those who acknowledge and are truly sensible of the many favours received from your majesty. The truth of this resting only on matter of fact being related, and the false colours which hitherto have been thrown on us being washed off, we shall not doubt but your majesty

majesty will entertain a better opinion of his subjects of this island. We must therefore humbly beg your majesty will with patience be pleased to hear the account of our proceedings, which, truly to manifest, we must be forced to look back so far as sir Charles Littleton's and sir Thomas Modyford's entrance upon their government; at which time we humbly conceive the island really began to take up the form of a civil government, and wholly to lay aside that of an army, which, until that time, was deemed the supreme authority; when, after, upon their several arrivals, by order from his majesty, and according to the method of his majesty's most antient plantations, they called an assembly, and settled the government of the island in such good form that, until his excellency the earl of Carlisle's first arrival, your majesty thought not fit to alter it, though several governors in that time were changed, which must necessarily infer the goodness and reason of it, as well as the satisfaction of the people; since from that time they betook themselves to settle plantations, especially the merchants; by which means the estates here are wonderfully increased, as is evident by the great number of ships laden here by the industry of the planters, and the satisfaction they received by those wholesome laws then begun, and until that time continued; the change of which laws we had no reason to expect, being done on such mature deliberation from home. But, to return to our answer, the first thing their lordships are pleased to accuse us of, is our presuming to question your majesty's power over your militia, which how much they are misinformed in it, will hereunder appear; but we must first repeat the clause against which we humbly conceive we had just reason to take exception, which is as followeth, viz. *Provided always, and it is hereby further enacted and declared by the authority aforesaid, that nothing in this act contained be expounded, construed, or understood, to diminish, alter, or abridge, the power of the governor or commander-in-chief for the time being, but that in all things he may, and upon all occasions or exigencies, act as captain-general and governor-in-chief, according to, and in pursuance of, all the powers and authorities given unto him by his majesty's commission, any thing in this act, or in any other, to the contrary in anywise notwithstanding.* In their lordship's observations, in which they take no notice that the power given by that clause extends as well to the governor as captain-general, nor of the words, *any thing in this act or any other to the contrary notwithstanding*; which words, being plain, need no references to expound them, and, being consented unto, there is no occasion for making any other law, because that makes all the powers and authorities given by his majesty's commission, and by that

that commission the instructions which shall be after given to him, to be law, though it be the nulling of any beneficial law made either here or in England, by which we are secured both in life and estate; the like of which was never done in any of your majesty's dominions whatsoever, and in effect is to enact will to be law, and will be construed, we fear, to bind us by the old rule of the law, that every man may renounce his own right. And if their lordships had been pleased as well to have remembered the other clauses of the act of the militia, we cannot think they would have said we had questioned your majesty's power over it; for no act of England gives your majesty the like power over the militia as ours doth; for, on any apprehension of danger, the general with his council of officers, have power to put the law martial on foot for what time they please, and to command us in our own persons, our servants, negroes, horses, even all that we have, to your majesty's service, which having been so often put in practice, will need the less proof: but how readily and willingly we have obeyed, and in that faith is best justified by works, it will not be amiss to instance sometimes, and what hath been done in those times by the charge and labour of your majesty's subjects here, under the several governors, none of which have left unexperienced the strength of your majesty's commission, and the virtue and force of the act upon the least seeming occasion.

In the government of sir Thomas Modyford, in the years 1665 and 1666, the whole island was put under law martial for many months together, in which time, by the inhabitants and their blacks, Fort-Charles was made close, which to that time wanted a whole line; and also a breast work at Port-Royal was built, with very small charge to your majesty.

In the time of sir Thomas Lynch, in the year 1673, the law martial was again set on foot. Fort-James built by the contributions of your majesty's council and assembly, and several other your majesty's subjects in this island, which amounted to a very considerable sum of money; a breast work throw'n up at Old Harbour and several other places, and guns mounted and a platform laid at Port-Morant.

In the lord Vaughan's time, though there was no probability of war, yet he wanted not the trial of his power also in the militia, and our obedience to it; for he commanded out a company of the inhabitants in search of a Spanish *barqua longa*, who was said to have robbed a sloop belonging to this island upon the coast of Cuba; he likewise, in favour of the royal com-
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pany, commanded out to sea two vessels with a company of the militia and their captain from Port-Royal, to seize an interloper riding in one of your majesty's harbours, and there by force seized her.

In the time of sir Henry Morgan being commander-in-chief, we were again put under martial law; in which time Fort Rupert, Fort Carlisle, and a new line at Fort James, were built.

Lastly, in his excellency the earl of Carlisle's time, our present governor, the law martial was again put in force for above three months; in which time Fort Morgan with its platform, and another line at Fort James, and the breast work reinforced very considerably in thickness and height, and new carriages were made for the guns, those that came out of England not being fit for land service; all which fortifications are substantially built with stone and brick, wholly at the charge and labour of the country; neither have we ever been wanting in due respect to your majesty's governors, the militia having always waited on them to church, in their progresses and all public occasions; and we may safely affirm with truth, that no militia in your majesty's dominions undergo the like military duty as your majesty's subjects in Jamaica, as is evident to all men that ever set foot in Port-Royal, which cannot be distinguished from a garrison either in peace or war, but by their not being paid for their service.

Secondly, to answer their lordships objections to the bill of revenue, wherein your majesty's name was left out: there are several members of the assembly now sitting, that were members when that bill passed three times in form in the assembly, and, upon the best recollecting of their memories, they are fully persuaded and do believe the bill was again sent down with that amendment from the governor and council, according as it passed at the last; but, should it have risen in the assembly, they are very unfortunate if they bear the censure of all mistakes that may happen in presenting laws to be passed, when both the council and governor have their negative voices, which had either of them made use of in this point would have been readily consented to by the assembly, as they had formerly done, both under the government of sir Thomas Modyford and sir Thomas Lynch, before whose time it had been raised without mentioning your majesty's name, and that without check; and we always concluded the governor's name in the enacting part to be of the same effect as your majesty's is in England, whom he in this particular seems rather

to personate than represent. For which reasons, we hope, it ought not to have been imputed to the assembly as their crime altogether, being consented unto by your majesty's governor, without any debate, and all applied by the act whereby it was raised to the very same public use your majesty directs; and we are certain no instance can be given of any money disposed of to any private use, but was always issued by the governor's warrant, for the payment of his own and other general officers salaries in this island, with some small contingent charges of the government.

Their lordships also affirm, that the assembly offered this bill, in the same measure and proportion as it is now proposed, unto sir Thomas Lynch: in which their lordships are misinformed; for your majesty's instructions were, that the laws should be in force for two years and no longer, which their lordships also acknowledge in the prior part of the report; so that the assembly needed not to have expressed any time, and the particular uses therein appointed: but had their lordships known how great sums of money have been raised here, and how small a part hath been applied to your majesty's service for the defence and strengthening the island, we humbly conceive their lordships would have been of opinion, that we have no reason to bar ourselves to perpetuity, and pass the said act without limitation of uses or time; nor can we be so presumptuous as to imagine your majesty can be hindered from making such use of your own money as you shall think fit, and apply it where you think most necessary.

Thirdly and fourthly, it is very true the laws contain many and great errors, which their lordships may see by the assembly's journal; so that were the assembly as much petitioners to your majesty for this new form as they are to be restored to their old, above half the body of these laws, without amendments, would never be reasonable to pass. As, to instance some few amongst many: First, in the act for preventing damages by fire, any single justice of the peace hath power of life and death: Secondly, and the act of the militia impowers the governor and council to lay a tax on the whole island: Thirdly, and in the act directing the marshal's proceedings, there is a clause that makes it felony for any person to conceal his own goods, left in his own possession, after execution levied by that law, so that a man may be hanged for being poor, which, though inconvenient, was never till then accounted capital; with many others too long to be repeated. And whereas their lordships are pleased to say, that there is nothing imperfect or defective in these bills transmitted

hither: yet we humbly conceive, that no notice being taken in this body of laws how or in what nature we are to make use of the laws of England, either as they have reference to the preservation of your majesty's prerogative or the subjects rights, we ought not in reason therefore to consent to those bills; for, nothing appearing to the contrary, the governor is left, *ad libitum*, to use or refuse as few or as many as he pleases, and suit with his occasions; there being no directions in them how to proceed according to the laws of England, either in causes criminal or testamentary, and in many other cases which concern the subject both in life and estate. Fifthly, we conceive also, that, whatsoever is said to the contrary by their lordships, in answer to the distance of places, this very last experiment is sufficiently convincing of the truth of that allegation; it being a year since this model came over and was debated before their lordship's report came back, notwithstanding one of the advices went home by an express. And, whereas their lordships say we cannot be subject to more accidents than your majesty's kingdom of Ireland: To that we object, that advices and answers thence may be had in ten or fourteen days, and that kingdom is already settled, and our plantation but beginning: And further we cannot imagine that Irish model of government was *in principio* ever intended for Englishmen: Besides, their lordship's cannot but know, that that model was introduced amongst them by a law made by themselves in Ireland, and so consequently bound them, which being now generally known to all those who remove thither, they have no reason to repine at, that being their own choice to live under it or stay away from it, and was made for the preservation of English against the Irish faction. As there is not the same cause, so there is not the same reason, for imposing the same on us, unless we, as they did, do it ourselves, who are all your majesty's natural born subjects of your kingdom of England: which is the reason the parliament give, in all their acts which concern the plantations, for obliging us by them to what, and with whom, and in what manner, we may trade, and impose a tax on us here in case of trade from one colony to another; and it is but equity then, that the same law should have the same power of loosing as binding. Sixthly, your majesty giving power on urgent occasions to raise money the old way, only secures your majesty's officers their salaries, which else they had been disappointed of; the act of the militia, which was heretofore consented to, ever providing, that, on alarm or invasion, the commander-in-chief shall have unlimited power over all persons, estates, and things, necessary on such urgencies. Seventhly, as to the seventh, the assembly say, they never desired any power but what your majesty's governors assured them

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was their birth rights, and what they supposed your majesty's most gracious proclamation allowed them : also your majesty was graciously pleased to write a letter to your governor sir Thomas Lynch, after the double trial of one Peter Johnson, a pirate, signifying your dislike that any thing should be done that should cause any doubt in your subjects, of not enjoying all the privileges of your subjects of your kingdom of England, or to that effect. But as to the obstructing of justice against Brown, a pirate, what they did, though not justifiable in the manner, was out of an assurance, that there was no law in force here to declare the lord chancellor's power in England, and our chancellor's here equal, in granting commissions in pursuance of the statute of Henry VIII. which also your majesty and council perceiving, have, in this new body of laws, sent one to supply that want: And if they, not meddling with the merits of the cause, endeavoured to preserve the form of justice, and justice itself, and after denial of several petitions, joined with the council, were led beyond their duty (for which they were sharply reprimanded by the then governor) they do hope for and humbly beg your majesty's pardon. And, as for the act by which he came in, it arose not in the assembly; but was sent from the council, to be consented unto by them, which was accordingly done.—

And as to the imprisonment of Mr. Thomas Martin, one of their members, for taking out process in chancery in his own private concern, against several other members, and one of the council, the assembly then sitting, and for other misdemeanours and breach of the rules of the house: they hope it is justifiable, your majesty's governor having assured them, that they had the same power over their members which the house of commons have, and all speakers here praying, and the governors granting, the usual petitions of speakers in England. Eighthly, seeing the governor hath power to turn out a councillor, and turning out incapacitates him from being an assembly man, no councillor dares give his opinion against the governor, under danger of less penalty than losing that which he thinks his birthright: also, a governor being chancellor, ordinary, and admiral, joined with his military authority, lodges so great power in him, that being united and executed in one person makes him *totum in qualibet parte*, so that he may at any time invalidate any thing done under his own commission. Ninthly, there is no doubt but, by this new way, it is in the assembly's power to consent to and perpetuate such laws as are wholly of benefit to them, and leave unpassed all that may be thought of benefit to your majesty; which advantage, they not laying hold on, hope it will be an evidence that they are careful of your majesty's prerogative, as it is the duty of every good subject to be. It is without controversy, that

that the old form of government, which was ordered so much like your majesty's kingdom of England, must of consequence be of greater encouragement to all your majesty's subjects, as well as strangers, to remove themselves hither. Upon your majesty's gracious proclamation, in my lord Windfor's time, and by those gracious instructions given to sir Thomas Modyford, all or most part of the sugar plantations have been settled; and the major part of the said planters, being such who arrived here and settled upon the general liking of the model first constituted, and in belief that they lost not any of the privileges of your majesty's subjects of your majesty's kingdom of England by their removal hither, and having by no act, as we believe, either provoked your majesty or forfeited our rights, or ever desiring or attempting to lessen or question your majesty's prerogative, the preservation whereof we ever esteemed the best means of preserving our own privileges and estates, we shall presume to hope for the continuation of your majesty's favours, which it is impossible for us ever to forget. And whereas their lordships are pleased to offer their advice to your majesty, to furnish your governor with such powers as were formerly given to colonel Doyley and others, in whose time the then accounted army was not disbanded, but so continued to the lord Windfor's arrival, who brought over your majesty's royal donative, and order to settle the civil government: We hope their lordships intend not that we are to be governed by or as an army, or that the governor be empowered to lay any tax by himself and council; since your majesty, having discharged yourself and council, by an act of parliament, of any such power over any of your subjects of your kingdom of England, as we undoubtedly are, it will be very hard to have any imposition laid on us, but by our own consents; for their lordships well know that no derived power is greater than the primitive. However, if your most gracious majesty shall not think fit to alter this model, but that we are to be governed by the governor and council, according to their lordships advice, yet we humbly beseech your majesty to do us the grace to believe, that we are so sensible of our duty and allegiance, that our submission to, and comportment under, your majesty's authority, shall be such as, that, we hope, you, in your due time, will be graciously pleased to restore unto us our antient form of government, under which it hath pleased God hitherto to prosper us: Ending with our hearty prayers for your majesty's pardon of all our errors and mistakes, and a gracious interpretation of this our answer, protesting, from the bottom of our hearts, that we are and resolve to live and die your majesty's true, loyal, and obedient, subjects.

DECIMA

DECIMA SEPTIMA PARS PATENTIUM DE ANNO REGNI REGIS CAROLI
SECUNDI TERTIO DECIMO, CAR. 2di. 13tio.

A P R O C L A M A C I O N

FOR THE ENCOURAGING OF PLANTERS IN

HIS MAJESTY'S ISLAND OF JAMAICA,

IN THE WEST-INDIES.

WEE, being fully satisfied that our island of Jamaica, being a pleasant and most fertile soyle, and scituate most commodiously for trade and commerce, is likely, through God's blessing, to bee a greate benefitt and advantage to this, and other our kingdomes and dominions, have thought fitt, for encouraging of our subjects, as well such as are already upon the said island, as all others that shall transport themselves thither, and reside and plant there, to declare and publish, and wee do hereby declare and publish, that thirtie acres of improveable lands shall be granted and allotted to every such person, male or female, being twelve years old, or upwards, who now resides or within two years next ensuing shall reside upon the said island, and that the same shall bee assigned and sett out by the governor and councell, within six weeks next after notice shall be given, in writing, subscribed by such planter or planters, or some of them, in behalfe of the rest, to the governor, or such officer as hee shall appoint in that behalfe, signifying their resolutions to plant there, and when they intend to bee on the place; and, in case they doe not goe thither, within six months, then next ensuing, the said allotment shall be void, and free to be assigned, to any other planter; and that every person and persons, to whom such assignment shall bee made, shall hold and enjoy the said lands, soe to be assigned, and all houses, edifices, buildings, and inclosures, thereupon to be built or made, to them and to their heirs for ever, by and under such tenures, as is usual in other plantations subject to us. Nevertheless, they are to be obliged to serve in armes, upon any insurrection, mutiny, or forraigne invasion, and that the said assignments and allotments shall bee made and confirmed, under the publique seal of the said island

island, with power to create any mannor or manors, and with such convenient and fuitable priviledges and imunities as the grantee shall reasonably desire and require; and a draught of such assignment shall bee prepared by our learned councell in the lawe, and delivered to the governor to that purpose; and that all fishings and pifcharies, and all copper, lead, tinn, irons, coales, and all other mines (except gold and silver) within such respective allottments, shall bee enjoyed by the grantees thereof, reserving onely a twentieth part of the product of the said mines to our use; and wee doe further publish and declare, that all children of any of our naturall borne subjects of England, to bee borne in Jamaica, shall, from their respective births, bee reputed to bee, and shall bee, free denizens of England, and shall have the same priviledges, to all intents and purposes, as our free borne subjects of England, and that all free persons shall have the libertie, without interruption, to transport themselves, and their famylies, and any their goods (except onley coyne and bullion), from any our dominions and territories, to the said island of Jamaica; and wee doe strictly charge and command all planters, soldiers, and others, upon the said island, to yield obedience to the lawfull commands of our right trusty and well-beloved Thomas lord Windfor, now our governor of our said island, and to every other governor thereof, for the tyme being, under paine of our displeasure, and such penalties as may be inflicted thereupon. Given at our courte at Whitehall, the fourteenth day of December.

p. ipem. Regem.

AN

AN ADDRESS OF THE COUNCIL OF JAMAICA TO THE KING.

THE alteration of the form of government in this your majesty's island of Jamaica unto that of your kingdom of Ireland, which your majesty, the best and greatest of kings, hath graciously commanded us to submit to and own, we your majesty's truly loyal and dutiful subjects, hitherto have and yet do, by a willing readiness, and ready willingness, declare our entire obedience and hearty conformity thereunto, because your majesty commands. And although your majesty's great perspicuity and truly royal prudence is best able to determine what government is fittest for your subjects in this island, yet with all due submission, in all humility, we beg leave to represent to your majesty the great inconveniences attending the present form in transmitting our laws home. The vast distance of place will of necessity cause a great expence of time between the first framing of our laws here and transmitting and returning of them hither again; so that, before they can be passed into laws by the consent of the assembly here, there will probably as great cause arise to alter as there was at first to make them. And, with due submission, we judge it even impossible to adapt laws to the present constitution, so as not to admit of often and great alterations; for, according to our experience hitherto, we have found urgent occasions to alter and amend the laws that more immediately concern us here, at the least every two years, and we cannot foresee but we shall be under the same necessity still; so that if your majesty graciously please to take it into your princely consideration, and either restore to us the former power and way or method of making laws, or at least remit that part of the present method of making laws, which only concern us here, as they may pass without transmitting the same, we hope, by our perfect submission and entire obedience to all your laws here, your majesty will be a glorious prince and your subjects here an happy people. And whereas the gentlemen of the assembly, in their address to your majesty, read here in council the 15th of November, 1679, do declare, as to the bill of revenue, wherein your majesty's name was left out, that there are several members of their assembly now sitting who were members when that bill passed three times in form in the assembly, and, upon the best recollection of their memories, they are

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fully persuaded and do believe that the bill was again sent down with that amendment from the governor and council according as the act passed.— We, the gentlemen of your majesty's council here present at the passing of the bill, do most humbly, with all submission, aver and declare, that we were so far from consenting that the said bill should pass without your majesty's name in it, that we do not remember that it was ever debated or mentioned in council; further, to the best of our respective knowledges, than that it was read three times, and passed the commons board with your majesty's name in it: and are the rather induced to this our confidence because we find the original act was erased by the then speaker's own hand; moreover, the several amendments of the said bill, that were made in council, were all taken notice of in the minutes of our council book, and no mention made of this. The gentlemen of the assembly do produce nothing out of their journals to justify their reflection on us, therefore it is to be presumed they cannot; and we do therefore humbly and unanimously declare, we never did at any time, either jointly or severally, make any complaint to the assembly, or any of them, of the power given by your majesty unto his excellency our present governor to suspend any of your majesty's council; therefore, as we have hitherto yielded all due obedience and submission to your majesty's royal will and pleasure concerning us, so we hope we shall still approve ourselves such, and, as in duty bound, ever pray for your majesty's long life, and that you may prosperously and triumphantly reign over us.

This was unanimously agreed to in council by the respective members thereof who were present at the passing the bill of revenue. Colonel Thomas Ballard, colonel John Cope, colonel Robert Byndlofs, colonel Thomas Freeman, colonel William Joy, colonel Thomas Fuller, John White, Esquires; and consented to by the whole council, excepting lieutenant colonel Samuel Long.

AN ABSTRACT

OF THE

GOVERNMENT OF JAMAICA SINCE HIS MAJESTY'S

RESTORATION,

GIVEN IN BY

SIR THOMAS LYNCH TO THE KING IN COUNCIL.

IN 1661 colonel Delahoude had a commission to govern, and, having disbanded the army, to erect a civil government, and to act by advice of a council consisting of about twelve chosen by the country, in the nature of their representatives; which government lasted about eight or ten months.

My lord Windfor succeeding, in 1662, he carried over a proclamation to give thirty acres to all settlers, and a promise to them and their children of denization and freedom as natives of England. He likewise was empowered to call assemblies, and to make laws not repugnant to those of England, to which the government was assimilated. His council was of his own election.

Sir Charles Lyttleton succeeded my lord Windfor, who stayed about twenty months; he governs as his deputy, called the first assembly that made a body of laws and an act for raising of money, which was disposed of to the public use of the island, and received by a collector of their own, and never accounted for here. He had, as my lord Windfor, a council of about twelve chosen by himself, and governed about twelve months.

He left the council, and sir Thomas Lynch as president, to govern until sir Thomas Modyford, in May, 1664, came with commission and instructions to erect a judicature and call assemblies to make laws that were to be of force two years, and no longer, unless the king approved them:

them, after the manner of the Windward islands ; to assimilate the laws to those here, and not take away any body's liberty or freehold, but by such or the like laws. He had a council like sir Charles Lyttleton, and called an assembly that re-enacted and enlarged his laws, and raised a revenue by an impost on strong liquors, that was called the king's for the public use of the island, mentioned in the act. They were sent home, but not being returned approved, he, by order of his council, continued them to the end of his government ; which people readily enough obeyed, considering them as rather made by themselves than received from his council ; for that governor had much more power than his successors, and, being well supported here and the colony young and poor, nobody questioned any thing.

In 1671, sir Thomas Lynch came with the same commission and title of commander-in-chief, and instructions to the same purpose, and to encourage the colony. Soon after his arrival he called an assembly, that altered and enlarged sir Thomas Modyford's laws, passed the act of revenue to the king, indefinite, for the island's use, mentioned by the act, and received by collectors which he nominated, and that the council approved of. Two years after, these laws not being confirmed, they were again re-enacted by the assembly, and then the revenue was made for two years, and all the officers to account to the governor or council, that the assembly or any particular persons might see the money was employed to needful and public uses.

In March, 1675, my lord Vaughan arrived : his commission named his council, and directed he should call assemblies according to the custom of the island, which should be deemed the people's representatives, and were to make laws as the former governors to preserve property, and to give encouragement to planting. He called an assembly that passed all the former laws which were sent for England to be confirmed, except the act of revenue ; and, not being returned at the two years end, called another, which re-enacted the same laws, but the act of revenue my lord rejected ; and so my lord and the island were a year without revenue.

About two years ago, the earl of Carlisle was sent governor with my lord Vaughan's first laws, and an act for a perpetual revenue, as they were modelled here ; which, as I have heard the council there was not
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to examine, but a general assembly to pass entirely; no assembly to be called but by order from hence, or an extraordinary emergency; nor they never to deliberate on new laws or amendments, but such to be framed by the council there, and thence remitted to his majesty; and after his probation to be returned to be passed by a general assembly, after the manner of Ireland; which they have found so grievous and inconvenient, that they rejected them, and made an address to my lord Carlisle to intercede with his majesty for a change of those orders; which I hear my lords of his majesty's council have answered, and on their report his majesty has again ordered the same laws, and an act of revenue, to be returned and offered them; and, as I hear in discourse, they say they can never give their consents to acts they have not deliberated, which seems contrary to the methods of government established by his majesty's grace and several commissions, and practised for so many years, yet that they will dutifully obey whatever his majesty orders; they seem to have these following reasons, as I gather by what some have writ from thence and others said here:

1st.—That, being English, they have a right to be governed as such, and to have their liberty and property secured by the laws of England, or others of their own making.

2d.—They believe in that proclamation my lord Windfor carried over, the king is graciously pleased to grant freedom and denizen as encouragement to transport.

3d.—His majesty has been pleased, by his several commissions to his governors, to declare it; which commissions are recorded for the people's satisfaction and encouragement; and they have for sixteen or eighteen years been governed by laws of England.

4th.—All other colonies have and ever had assemblies, and their laws take original from them.

5th.—They conceive the Irish way of making laws will be too tedious, because of the vast distance and of the frequent changes of planters interests.

6th.—They say that way was desired by the English to support them against the Irish, but that they are all English, and the conquerors as well.

as well as the planters of the fertile island, and that they pay here above a sixth of what they produce there.

7th.—That they fear a noise of any such change of government may make many desert the island, and the merchants here forbear trading.

8th.—If the king's commissions have appointed them there, and if they have been constituted in the colonies from their first settlement sixty years ago as a government most just and like this of England, then they hope that they alone of all the colonies shall not be retrenched any the privileges natural to such assemblies; but that, if particular persons have offended and caused this change, they suffer, and not the colony.

9th.—They hope his majesty will be pleased to consider that his interest, and that of trade, is bound up with that of theirs; for it is the planters must defend and improve the colonies, and their agreeable laws will best make them do it.

Further considerations on the present state of the government: It is probable the assembly will reject the laws thus offered them. It is certain there is an absolute necessity for a revenue, for the public charges are great, and the doubts many. It is possible the council may join with my lord to order the laws for the government to be continued, but I verily believe they will not continue the revenue-bill; for that they think belongs particularly to the assembly, and if they cannot, it would not be without process, and I doubt the judges, &c. would quit, and juries constantly give it against the officers. It would be the same or worse if any order went hence to that purpose, and give strange umbrages to the rest of the colonies, that are under too many discouragements already, by the cheapness of their commodities, the growth and trade of the French power, and the plantations seem more needful now than formerly. All which I humbly submit.

THE PETITION OF SAMUEL LONG, ESQ.
 AGAINST THE EARL OF CARLISLE,
 TO THE KING IN COUNCIL,
 WITH THE EARL'S ANSWER THERETO.

Humbly Sheweth,

THAT the earl of Carlisle, without any just cause, imprisoned your petitioner in Jamaica, and forced him hither to answer an aspersion of treason, as he pretended: by reason whereof your petitioner hath not only suffered in his reputation, but hath spent a considerable part of his estate, and may be ruined by being forced from his interest: and whereas the said earl both refused to make your petitioner any satisfaction, or to wave his privilege, although before your majesty's privy council, after your petitioner had answered his charge there given, he confessed your petitioner was an honest man in his dealings, a just judge, and one that had been and might be very useful to his country; and whereas your petitioner hath been already denied a *habeas corpus* by the said earl, as chancellor, and by the chief justice of Jamaica; so that from the said earl or any minister under him your petitioner can expect nothing but evil, and it may be his total ruin, unless your majesty graciously be pleased to commiserate your poor petitioner; wherefore he most humbly casts himself at your majesty's feet, hoping you will not suffer him to be spoiled of his credit or estate, but provide such remedy as to your great wisdom may seem fit; and your petitioner, as in duty bound, shall ever pray.

A true copy.

THE EARL OF CARLISLE'S ANSWER TO LONG'S PETITION.

YOUR majesty and council did think fit to direct a new model for the better settlement of the laws and government of the island of Jamaica, with instructions to me to put the same in execution at my arrival there.

there, for the effecting thereof: I did consult those that were in the chiefest employments in the island, particularly lieutenant-colonel Long, whom I found chief-justice, also of the council; but, instead of his compliance, which I had reason to expect, he did not only declare himself very opposite to those your majesty's directions, but continued violently to persevere therein, and by all the artifices and instigations he could use did persuade and encourage others to his opinion, notwithstanding his promise to me of contrary behaviour; and therefore he may be well assured the character, which he says in his petition I gave him, did not respect him as a public but as a private man; for he proved himself a great instrument to render that settlement ineffectual, which your majesty in council had directed, and pressed upon me by repeated orders. I did for some time hope to reclaim him by fair means, but, perceiving his temper very little wrought upon by such kind methods, and moreover observing, upon the perusal of the bill in my lord Vaughan's time, that your majesty's name had been rased out, and the bill afterwards interlined, which the council unanimously declared was fairly inserted when it passed them, and there being an interline in the bill, and owned by lieutenant-colonel Long to be written with his own hand, but would not confess who rased out your majesty's name; this inclined me to believe it was himself, and the rather because, when he was clerk of the assembly in the time of sir Thomas Modyford being governor, he did persuade and endeavour as much as lay in his power to have his majesty's name left out of a bill which was then passed; for which he was laid by the heels. All which, together with his practices when he was chief-justice, particularly in granting a writ of *habeas corpus* on behalf of one Brown a condemned pirate, for whose execution the marshal had a legal warrant: But the assembly, by the said lieutenant-colonel Long's instigations, as I was informed, did much espouse his manner of proceeding; that pursuant to a vote of theirs one lieutenant-colonel Beeston, who was their speaker, signed a reprieve for Brown, and commanded obedience to their writ, which was done in so disorderly a manner that the governor thought fit to dissolve the assembly. Those just complaints against him gave me reason to observe his ill carriage and temper the more cautiously, and upon the whole did believe those matters very punishable in England, with your majesty's gracious power to remit them; whereupon, I divested him of all public employments, and thought it was adviseable to appeal to your majesty's council to do therein as you shall see fit, and took recognizance of the said Long to appear before you, which renders the complaint

plaint in the petition of being denied a writ of *habeas corpus* very unreasonable, because, by his entrance into recognizance to appear, he was not continued in custody, and therefore needed no such writ. However I would willingly have delayed this proceeding until I had obtained your majesty's particular orders therein, but distance of place and the conjuncture of affairs at that time would not admit of such delays, especially since I could not but think the peace of the island to be in great danger if I had left him behind me. All which considerations, being seconded by a letter I received from Mr. Blaithwaite near my coming away, that the committee of plantations had resolved to report to your majesty in council that I might be directed to send him home, to answer what was laid to his charge, will I hope prevail with your majesty to approve of my proceedings in this matter.

As to the objection of taking money of one Hewit for a pardon, which is only circumstantially alledged, I say, in answer thereunto, that I took no money directly nor indirectly for granting the same; but, having been moved on behalf of the said Hewit, and having thereupon advised with some of the council about it, who told me they thought him a fit object of mercy, I did thereupon grant him a pardon, and told him he would do well to give fifty pounds towards building the church at Port-Royal, which was then in hand, but was delayed for want of money to carry it on; and the said fifty pounds was paid to captain Beckford one of the deponents, and not to me or any servant of mine, and afterwards paid by Beckford to colonel Moleworth, churchwarden of the said parish, for the use aforesaid: and whereas it seems to be supposed that this fifty pounds had been paid in lieu of fifty pounds subscribed by me towards the building of the said church, I wholly deny it, and say, I always intended and still do to pay the fifty pounds I subscribed, which never had any limited time, and will come as seasonably for the finishing of it as the other did for building the walls.

**A COPY OF LONG'S ARTICLES PRESENTED TO
HIS MAJESTY IN COUNCIL,**

JANUARY 18, 1681.

1st.—**T**O prove the earl of Carlisle imposed a test; see the oath of Samuel Long, colonel Beeston, Mr. Bathurst.

2nd.—To prove judges turned out—none have sworn, but the witnesses can if denied, and prove the naval officer turned out for doing his duty:

3d.—To prove the earl upheld officers in action of fees; see the oath of Beeston, also captain Wilson's papers.

4th.—To prove the earl of Carlisle pressed the council to coin or stamp money; see captain Knapman's oath, also Samuel Nath's.

5th.—To prove taking of seizures; see the oath of Long concerning encouragement to privateers, also captain Wilson's papers, also Beeston's oath.

6th.—To prove the earl knew of pirates goods, and caused them to enter; see Eastaugh's oath, the assembly's address, and a vote in their journal, Peter Beckford's oath, S. Nath's, Beeston's, S. Long's, J. Ashurst's, J. Bathurst's.

7th.—To prove the access to the earl and his deciding some of their differences; see S. Long's oath, Beeston's, S. Nath's. My lord in council owned his seeing two of their captains who came to him by his leave.

8th.—To prove the earl encouraged the privateers, asserting they did good and enriched the island; see S. Nath's oath, J. Bathurst's, Beeston's, and Long's.

To this article the earl hath not yet pretended any orders for imprisoning Samuel Long; whether he sent the address, or had orders to leave the island, is known to his majesty; besides what is proved, the earl owned he had taken money for pardoning, in obedience to an order of council. The foregoing is presented by me Samuel Long.

A true copy,

PHILIP LOYD.
THE

**THE EARL OF CARLISLE'S
ANSWER TO A CHARGE AGAINST HIM,**

EXHIBITED TO

HIS MAJESTY IN COUNCIL, BY SAMUEL LONG.

ART. 1.—**A**S to my offering a test, all I did therein was in regard of the difficulty made in the assembly of submitting to the new model of government, directed by his majesty in council, and sent over by me; I therefore desired, first of the council in Jamaica, and afterwards of several who had been of the assembly, to declare by word of mouth, that they would submit and acquiesce to the said form of government until his majesty's further pleasure should be known concerning the same.

ART. 2.—To the second article I answer, that three judges were removed, viz. Long, Barry, and Back. Long for the same reasons which induced me to bring him hither. Barry was a young man, not bred to the law, a stiff opposer of any compliance with the king's orders, and would never account for his quit-rents, and therefore unlikely to do his majesty right. Back made it his own request to be discharged. The judges put in were colonel Theodore Cary and major Needham: colonel Cary is a very honest gentleman, hath a good estate, was a judge in that island several years, and colonel in the late king's army. Major Needham is a very honest gentleman, hath a very prosperous plantation, and is of good parts and understanding.

ART. 3.—To the third article I answer, that I utterly deny that I did ever uphold any officer in exacting unjustifiable fees, desiring whosoever complained that they would sue the officer, there being a penalty to be recovered, imposed by the act that regulates them.

ART. 4.—To the fourth article I answer, there was no discourse of coining, only stamping some figures upon pieces of silver of the weight and value of pieces of eight, to pass between traders, there being a great want of money; but this ended in discourse and was never put in execution.

As to what is alledged concerning some cocoa seized by Wilson the naval officer,—it was seized not long after my arrival upon the island, and before there were complaints made to me of privateers; and what passed between Wilson and me was to this effect, that notwithstanding his alledging the profit that would accrue to me by his seizure, I would not animate him to proceed to prosecution upon that account, but neither would nor did hinder him from prosecuting upon his own.

As to what is alledged against me for displacing Wilson the naval officer for doing his duty, I deny it; for, though it was in my power to displace when I would, yet till I found he was very unquiet with Mr. Martin the receiver of the customs, who holds his place by patent from the king, so that thereby his majesty's service was very much prejudiced and delayed, I did not remove him; moreover he was accused to me of prevaricating his oath upon a trial before the judges of the admiralty; and only for these three reasons I displaced him, and not for the causes alledged against me, nor was he removed until a considerable time after he had seized the cocoa before mentioned.

ART. 5.—Concerning encouragement to privateers.—First, taking off seizures of privateers goods, to which I answer, and deny that I ever discharged any seizures for such goods. Next it is alledged against me, concerning causing privateers goods to be entered at the custom-house, to which I answer, and deny that I did cause any such goods to be entered, nor do I remember I was ever spoken to about entering of goods above twice or thrice; in one of which cases I did, in compassion to Dr. Eastaugh, who was a planter, write a letter to the officer of the custom-house, because I was informed it was an honest case; but the officer took no notice thereof, but went to a trial at law for the tortexture and was cast, as Eastaugh swears in his affidavit. And, in another case, viz. that mentioned by Long, where he saith that one Pindre, purser of the Success frigate, brought the master of boats or vessels to me at sir Henry Morgan's, and that I allowed, declared, and ordered, the master to enter his cocoa and pay custom, and called the purser and other officers to acquaint them with my pleasure; the said Pindre hath positively sworn in his affidavit, that he did not at that time bring any master of a vessel to me, and if I did speak any thing there concerning entering of goods, I refer them to the king's officer of the customs, to whom I neither sent any message or directions concerning that matter.

As to what Beeston objects, that there were many privateers in St. Jago de la Vega about February and March, 1679, and that it were publicly said they were going to take Porto-Bello,—I answer, that there were orders from time to time given out by me to all officers to seize and apprehend what privateers they could find, and I do affirm that I never directly or indirectly knew of a design to take Porto-Bello, but, if I had, would have done all I could to prevent it; and, if Beeston knew they were in those towns, and that the discourse of their design was so public as he says, it was his duty to have secured them and acquainted me therewith; for he was at that time lieutenant-colonel of the regiment at Port-Royal, chief judge of the court held there, and justice of the peace. As to what he says in his affidavit against me concerning Sharpe, I was willing to speak with him upon parole, that he should come and go safe, as I was at another time with one Coxon, supposing it might contribute to his majesty's service, by persuading them to come in by fair means, or for the better discovering their designs; and for Sharpe's men, the reason I did not apprehend them at that time was, lest I might alarm several other more notorious, whom I had hopes to seize upon; but I was so far from giving them any countenance, that I did very much reprove them, and, when I was free of my promise upon parole, I gave out particular orders to the officers of the island to make all diligent search for the said Sharpe by name, and for all other privateers they could find, and to apprehend them.

Whereas the said Beeston, in his affidavit, says, that one Cooke came in old cloaths, with whom I spoke;—it is true I saw him in a very poor condition, telling me he had been twice undone, which made me believe he came to present himself to me as an object of charity, being accounted at that time an honest poor man; but, as to what he said of a barge seized by him and several other things, I knew nothing of it.

As to what Ashurst says in his affidavit, that I was often advised that the indigo was piratically taken, yet nevertheless permitted to be entered, there was never any proof made to me of the truth of such advices as he calls them; if he knew it to be so, it was in his power to have seized upon a third, being his if condemned.

As to the address of the assembly, which was made to me to prevent privateering, I had prepared my orders to the captain of the Success frigate, the Hunter being then at sea, to make all possible dispatch to
fail

fail to the Keys of Cuba, upon intelligence that a privateer had newly taken a Dutch ship there; which said orders were ready before I heard any thing of the address, but I told them, in answer to that, I would be the more speedy in dispatching the frigate to sea; which I did forthwith, and renewed my orders to all officers and others to seize privateers both at sea and on shore.

NATHANIEL EASTAUGH, of Cabarito in Jamaica, gentleman, aged about fifty years, maketh oath that, in or about the month of October, in the year of our lord 1679, he bought of one Thomas Middleton and another man thirteen chests of indigo; about eight or ten days after, Mr. Thomas Martin, the king's collector and receiver-general, having obtained an order from the earl of Carlisle to search for and seize all the indigo he could find that was not entered to pay custom; and the said Eastaugh, fearing that the persons whom he had bought the indigo of had not entered it, because the order particularly mentioned him, rode one hundred and forty miles to the earl or governor, to ask his advice what was best to be done. The earl advised him to enter presently. Eastaugh desired the earl's letter to Martin, because Martin was known to give trouble to every man in anywise concerned with him in like kind. The earl did write to him accordingly; but Martin refused to admit the said Eastaugh to enter, nor would he take notice of the governor's letter, unless the said Eastaugh would give him a bribe, viz. twenty shillings *per* chest, as this deponent understood from others that paid it; and also give under his hand to forgive the three pence *per* pound for exportation, as the act of this country provides. Eastaugh upon this resolves to take care of his indigo, and to dispose of it as soon as he could; but Martin, in the next February court, sues the said Eastaugh for the whole of the indigo in the king's name and in his own name. The court was of opinion that Eastaugh was not the importer, nor the goods liable, unless seized; so it went against the king. The May following, Martin caused another action to be brought for the king against Eastaugh for non-payment of the customs, which he pretended Eastaugh promised to pay to Martin by a conditional promise; so the jury found for the defendant.

This deposition was taken this 9th day of June, before me, Robert Byndloss, esq. chief justice of this island, Mr. Thomas Martin being then present.

A true copy

PHILIP LOYD.

THE

THE deposition of Jonathan Ashurst, aged thirty-four years or thereabouts, that captain Cooke told the said deponent the whole story of his losing his ship, and taking a Spanish barque loaden with cocoa; but the said deponent, not thinking he should ever be called to testify the same, did not bear the same so particularly in mind. The substance was, that his men, after his loss of his ship, having possessed themselves of a Spanish barque loaden with cocoa without his knowledge, as he said, they came to him and profered him a share if he would carry them up to Jamaica; accordingly he did, and sold his cocoa at Port-Royal, entering the same at the custom-house; and, as I understood, imported it in sloops belonging to the island from a near place to Port-Royal, and there burnt the barque, that it should never witness against him.

The said deponent understood that several parcels of Spanish indigo was landed in remote places of the island, some of which the king's receiver, Mr. Martin, did seize. The lord Carlisle being afterwards advised it was particularly taken, the indigo was permitted to be entered at the custom-house; upon which encouragement several hundred chests of indigo were brought into Port-Royal. The said deponent being at the house of the said Thomas Martin when one was entering and paying money for custom of indigo, and with him came a man that told the whole story of taking the indigo from the Spaniards, and that indigo which was then entered had belonged to him, and that he was at the taking of the indigo.

The said deponent saith he saw a man committed to prison for burglary; and some months after, seeing the same man at liberty, the deponent asked the justice that committed him how the man was cleared; who told the deponent that the prisoner was sent for to the lord Carlisle from prison, and, after some months working at the lord Carlisle's house, he was set at liberty.

A true copy.

PHILIP LOYD:

SAMUEL LONG, of Jamaica, aged forty-two years or thereabouts, maketh oath that, in Jamaica, at the time of a session of an assembly, he, as one of the members of the council, was by the earl of Carlisle, governor, offered a test to this effect: *Do you submit and consent to the frame of government as it is now established by his majesty's commission to the earl of Carlisle?*

Carlisle? to which the said deponent refused to this effect: *I have and ever will submit to authority, and have taken the oaths of allegiance and supremacy, and suppose nothing more can be imposed on me, unless a test were lawfully made; but, if my consent and dissent signified any thing, I then declared I would at all times and places convenient petition against the new and for the antient form of government, and also argue and give reasons to the purpose.* Upon which answer, I was by the earl commanded to withdraw, and was excluded from sitting as a councillor,

The said deponent remembereth that the surveyor-general, Mr. Felgate, at the earl of Carlisle's, in his presence, discoursing of the rights of his patent, affirmed he might take higher fees than the act of the country allowed him; to which this deponent replied he would come under the penalties of the act if he did, and if he stood a trial on that point, doubts he would be cast. The surveyor replied and said, he would venture that, if any would contest with him. And further, the deponent doth remember that in Jamaica there was a general murmuring and complaint against the said surveyor-general and the king's receiver, but this deponent doth not remember the particulars, or that the said earl ever examined or regulated any of the fees.

The said earl, soon after his communicating to the council his majesty's pleasure, together with the report from some officers of the mint, pressed the council to join in making an order to stamp pieces of eight, having, as he affirmed, treated with a goldsmith of the terms, and being advised that amongst the French privateers there were divers pigs of silver and some already brought to Jamaica; to which the council, and particularly this deponent, replied that they neither durst nor would advise him to break his majesty's instructions so lately received on that point; to which the said earl replied, what hazard do you run, I will bear all the blame? to which this deponent replied, that could not be unless he did it without the consent or advice of the council; for, should it be done and ill taken in England, they doubted that, as other generals had laid their fault on the council or assembly, so he to ease himself would lay it on the council. Many other arguments were used on both sides, but the council would not be brought to consent; at which the said earl shewed a great deal of discontent.

This deponent was once with the said earl at sir Henry Morgan's at Port-

Port-Royal, where one Pindre, purser to one of his majesty's frigates, came to the earl and acquainted him that he with the king's boat, as I remember, had seized a boat or vessel with some cocoa and brought the master, whom he presented to the earl of Carlisle; who called the master to him, and carried him into a little closet; and, after a very short time, the earl came out again with the master, and aloud declared that he ordered the master to enter his cocoa and pay custom, and called to the purser and other officers to acquaint them with his pleasure; at which the purser, who came as if he had done some great matter, went away as seemingly abashed as the master pleased.

This deponent was once at cards with the said earl, his countess, and others, when there came to the said earl about twenty persons, with whom the said earl went into the next room, leaving somebody to play his cards. I overheard so much of their business, the door being open, as I understood they were privateers that had brought in indigo or other plunder, and I believed they belonged to one Bartholomew Sharpe's crew; that, somewhere about Jamaica as I think, one of the frigates coming near their vessel, some that now complained run a-shore or away for fear, declaring they had rather lose their purchase than their lives; but, finding other usage, they now claimed their share, which the others refused to give them, alledging they had relinquished their right; this difference the earl heard and I believe decided, but what was his direction I do not know, in regard I still played and could not hear so well the earl as the privateers, who were very loud; but they went away seemingly pacified and contented. I overheard, as I remember, an expression from the earl to this purpose, when the dispute was hottest:—*If you will be unruly, I know how and have hampered as mad fellows as any of you; but if you will be orderly and governed you shall be used like men.* I have seen one captain Prince, who is said to be a proclaimed pirate, with others said to be privateers, leading each his woman by the said earl as he sat in his coach viewing affairs; many of the council and assembly standing by the said earl, making some comment on them as they passed. I perceived he both saw and knew who they were.

This deponent further saith, that the said earl several times, and at some times in the presence of four or five of the council, and at some times to other councillors, in my presence, endeavoured to convince us of our error, as he called it, in affirming the privateers injured Jamaica

by bringing stolen goods, thereby depressing the planters goods, hindering the Spanish trade; weakening the island by taking off many of the best men's minds from planting; the said earl on the contrary affirming, that whatever the privateers brought to the island was so much added to the riches of the island, and merchants by good bargains encouraged the men kept, who, if severity were used, would go to the French.

This deponent further saith, that when the assembly had addressed the earl against privateers, he particularly desired his excellency to do as they desired, and informed that many or most of the privateers were about the island; and if they were stopped and such security as by law I, thought might be taken for them and their vessels, it would be a great step to their suppression.

This deponent further saith, that he hath not only petitioned the said earl not to bring him *per* force, having no orders from his majesty, but also told him he was certain he should do him no kindness; for that if he were examined he must tell truth; and if ever he had opportunity he would give such account as by that time each governor had taken his due part of that laid to the people's charge, this deponent would undertake to bear the rest without reproach, or to that effect.

This deponent further saith, that he proposed to swear to his own innocence as to what is laid to his charge about raising the king's name, as also that in no public capacity whatever he had not done any unjust, clandestine, or evil, thing willingly or knowingly; and that if he should be disproved he would submit to be punished as if perjured in a court of reward; or if the said earl would offer any proof he would undertake by better to disprove it; and also told the said earl, that he himself nor those that told him could not believe it themselves.

This deponent further saith, that he advised the said earl not to leave Jamaica without his majesty's orders, which he heard not, informing the said earl that he heard it had like to have gone ill with my lord Vaughan for want of positive orders, had not his royal highnesses letter brought him off.

This deponent further saith, that in his own house in Jamaica he had some discourse with Thomas Martin, the king's receiver, about the pirates and

and the money gained by custom of ill gotten goods, this deponent telling the said Martin he feared the island would be prejudiced by it; and it may be those he thought he most served by giving such encouragement to privateers: to which the said Martin replied, I do so order it that none but freeholders and inhabitants enter with me, and I'll warrant none shall come to any damage; I'll order it that my books shall clear them, or to such effect. And this deponent verily believes that the said earl had some such opinion of the said Martin, still he was so very earnest to bring him for England; whereas, I conceive, had he come and sworn truth, it would have tended to his lordship's disadvantage in that particular.

The deponent further saith, that, being once at the earl of Carlisle's, a discourse was moved about the manner of shipping some of the Spanish indigo, and it would not be safe to ship it in the same vessel, lest the Spanish embassadors by the mark should cause seizures in England; on which the said earl, speaking to his countess, said, Wife, do you hear this? yours, I believe, is gone in the same chests: Also the said Martin declared he had bought several chests of indigo for the countess, and the earl declared he had or would lay out three hundred pounds, or some such sum, in the said Spanish indigo. The said deponent further saith, that one John Butlin, clerk of the court and peace in Clarendon, was turned out, and one Harvey put in his place; and the reason given by the said earl was, that he had promised the said Harvey's mother, as this deponent remembereth, in England to be kind to him; and when it was tried, Butlin was a diligent, good, careful, officer, and that was a loose idle fellow: The earl replied to this deponent, he believed by some ill thing or other the said Harvey would forfeit his place, and then Butlin should be restored; for then the said earl should have discharged his promise to the said Harvey or his friends, or to such effect.

This deponent further saith, as he was used to sit with the said earl sometimes as councillor, sometimes as ordinary, he hath heard him in this deponent's opinion give very strange reasons for his judgments: The one is rich, the other very poor, or this was represented to me or others as much incompetent; and when his jurisdiction hath been demurred, he would not determine it, but cause by his authority both parties to leave it to him as an umpire.

This deponent hath heard the said earl declare he believed he might, if his majesty lived, be governor of Jamaica as long as he lived.

This deponent, as he was chief-justice, had a fee of one shilling and three-pence from every process issued out of the grand-court; but, when his successor was commissioned, the said earl, as he was credibly informed, being told that all the processes dated before my successor's commission must be signed and bear test in my name, and that otherwise it would be erroneous, my writ of ease bearing date but two days before the return of those processes; yet he, as I was informed, ordered my name to be struck out, and Byndlofs's, my successor, inserted; by which means the clerk of the court informed me that forty-seven pounds, or thereabouts, was added to the profit of the said Byndlofs and taken from me. In favour also of the said Byndlofs, the said earl commanded one captain Brayne, as Brayne himself told me, to renew an obligation by which the said Byndlofs was indebted to the said Brayne in others right in about five hundred pounds, to the end the said Byndlofs might give a new obligation, and to save some years interest, amounting to a considerable sum, and threatened to lay the said Brayne in prison if he did not. Brayne asked my advice, I being his security to his principals, advised him rather to go to prison than be frightened out of that which he must afterwards make good out of his own pocket.

This deponent remembereth, that one John Hewit told him he had gotten a pardon from the said earl, for having two wives, which cost him about a hundred or a hundred and six pounds, fifty whereof he said never vexed him, because the earl put it to a good use, but the other one Mr. Ellis had, which vexed him, or to that effect.

This deponent remembereth one Pochin, one Cole, and one Camp, all condemned for murder, and others for manslaughter, all which as this deponent is credibly informed are kept alive for money to the earl or some of his family; but this deponent knoweth it not to be truth in his own knowledge.

This deponent hath some letters which he received from Jamaica, ready to be produced, one whereof mentions in a short time five hundred men were gone off the island; the others give an account of twenty-four vessels taken *per* Sawkins, Coxon, and others, in the South Seas; which Coxon, Sawkins, Cooke, Sharpe, Premier, and others, as this deponent is credibly informed, have all been in the said earl's presence and power.— And this deponent verily believeth, by what he hath heard and seen, if the
said

said earl and sir Henry Morgan had at several times shut their doors they might have catched most of the chief pirates and privateers in their houses. And further at this time the deponent saith not, the substance and the very words of the foregoing particulars I swear to be the truth.

Sworn before me 7th January, 1680.

SAMUEL LONG,

PHILIP LOYD.

(*A true copy.*)

The deposition of John Bathurst, aged thirty-eight years or thereabouts, deposeth as follows: That the said earl of Carlisle hath been an encourager of privateers, both by his words and actions; first by discourse with me as also others, affirming and menacing that the goods brought in by privateers was for the good and profit of the island, though I myself with several others told him several times it would prove the ruin of the island, by the destruction of the trade, the poor planters, the goods produced per labour being brought to so low a price that it would ruin them, their wives, and children, and consequently his majesty's island, as also his custom thereby accruing. This part of the affidavit I thought not fit to make use of, it proves there was always a trade in Jamaica for the merchants to buy and sell Spanish indigo, being brought in lawful vessels. That, at the time of the sitting of the last assembly, there came to your majesty's deponent, being a member thereof, several persons of Withywood who were planters of indigo, making great and grievous complaint that they had been at Port-Royal, the place of the disposal of their goods, and could find no buyers except at a very low rate; and the merchants told them that the reasons thereof were that the pirates had brought in a very great quantity, and that they bought it at very low prices, and would not give them more, by reason they were obliged to send home their employers returns to their greatest advantage; and said also that they would wish there was no goods brought in by privateers, knowing that at last it would prove the ruin of the poor planters, and that if they should not send returns home, though bought of privateers, at low rates, others would buy them, and they in consequence should lose their employment, favour, and business. These two last letters refer not to any part of the charge. Upon their complaint, your deponent did move the assembly with others that a petition might be drawn up to the earl of Carlisle for suppressing privateers, and security of the peace to be taken for those that were in the island reputed.

puted privateers, that the peace of your allies might be inviolably kept, your subjects preserved, and your island restored to its former flourishing estate; and it might not be esteemed as a place protecting pirates, and by consequence esteemed worse than Algiers, we professing Christianity, and at the same time robbing those that are at peace and amity with us.

Your deponent hath further heard captain Primier and other privateers say, that privateering now was better than ever, there being no tenths, nor fifteenths, nor charge of commission; affirming, though my lord Carlisle had one third part of the value of the indigo, they were well contented; and he was a person of that worth, and so kind to them, that they did not care if they gave him half; at the same time cursing my lord Vaughan, for no other reasons than that he did what in him lay to suppress privateering.

Your deponent, being another time in company with the earl of Carlisle, sir Henry Morgan, sir Francis Watson, and colonel Byndlofs, did acquaint them that he was sorry no care was taken to suppress privateering, and that these things at home will be laid to the charge of the island, which is only to the advantage of some particular persons, but detested by all just and honest men. My lord then answered there had been no complaint made; to which I replied, what was the petition of the assembly, which I told him was the complaint of the whole island, they being their representation: and withall told him that Coxon with several others of the chief of them kept company with those that should take care to redress such enormities and violations. I further told him that colonel Cope, one of the council, had lately been at the northside, and at his return lodged at my house, where enquiring something of him of one captain Sawkins, he said he had been in his company where he lodged at captain Benjamin Smith's, and about fifty of his men were there, which he said might easily have been taken; but I asking him why it was not done? he replied, that he thought he was a good honest fellow; I was informed he received some presents from him; unto which my lord replied that captain Smith was one of the assembly that entertained them; to which I answered that I knew none that gave them countenance but such as had received his commission, and I thought it was the duty of every magistrate and governor not only to do justice when complaint was made, but also to make inspection into any public injuries done to the violation of the peace between the king and his allies, and to take all ways and means

to suppress the same; but he persisted in the discourse that the complaints were nothing to him of general and not particulars, and that if the Spaniards came and made complaints against any person, and could prove they had robbed and despoiled them of their goods, they should be proceeded against according to law; to which I replied, I thought that could not be done, and that by this means they could not be suppressed.

Further, this deponent saith, that, at the dissolution of the assembly, the lord Carlisle asked the said deponent,—Will you obey the king and his governor, according to the new form and model of government which has now been sent over? To which I answered I would obey the king and his lawful commands. To the which he replied, then you intend to be judge thereof, and ordered my name to be placed at the left hand; but I desired I might be the explainer of my own words, which were to this effect, that I supposed the law was the medium between the king and the people, otherwise no man could be safe. And further your deponent saith not.

The mark of ✕ *JOHN BATHURST.*

A true copy,

PHILIP LOYD.

*Sworn to the truth of the contents hereof, before me,
the 7th January, 1680-1.*

PHILIP LOYD.

London, January 6th, 1680-1.

JOSEPH KNAPMAN, commander of the ship Loyal Merchant, using the trade of Jamaica, saith that he was in Jamaica in the year 1678, and his whole port charges was but one pound seven shillings and sixpence, besides two hundred and fifty pounds of powder; and in the year 1679 then demanded and received one pound and twelve shillings in money, besides the powder; and this year, 1680, the said Knapman being in Jamaica with the said officers, they demanded one pound eighteen shillings and sixpence; the said Knapman, observing the fees to rise every year, made enquiry whether their fees had been raised by any law of the country or not, and, being informed that they were not, the said Knapman scrupled to pay the fees the naval officer demanded; but the officer,

officer, named captain Hoskins, or some such name, told the said Knapman he scorned to demand more than his due, for which he had my lord of Carlisle's order, and pulled a paper out of his pocket, which he told me was my lord's order, by which he demanded the money at sight; on which the said Knapman submitted and paid the money.

A true copy,

PHILIP LOYD.

THE deposition of Samuel Nath, aged thirty years, late of Jamaica, merchant, viz. I this deponent aver, that demanding of Thomas Martin, esq. collector of his majesty's customs, why he made such a bustle and stir to seize the Spanish indigo landed in the leeward part of the island? The said Martin replied and said, oh! it was not for importation, for they had the governor's leave, but for their endeavouring to save the sixpence *per* pound custom, which is very considerable to the governor. About ten days after, this deponent being earnest to weigh off some goods which lay upon the wharf where the said Thomas Martin was receiving sundry parcels of indigo on shore, the said Thomas Martin told this deponent that he must stay, for that the governor ought and should be served first, part of the indigo being his.

Also this deponent saith, that at clearing the ship Judith, Robert Kingland, master, he tendered Thomas Hodgkins, naval officer, the accustomed fees, which he refused to accept, and replied he had an establishment of fees under the governor's hand; made me pay, to my best remembrance, about a third part more than some years before I had ever known paid. Also this deponent, meeting one Coxon, an old noted privateer, asked him the meaning of his sudden briskness; he answered he had great reason to be so, for the best man in the island was now become his friend, and that he doubted not in a little time to go for more *logwood*, a national title for privateering, for it may be supposed he meant more indigo.

This is not referred to any part of the charge. The governor so managed his arbitrary power, that after this deponent had landed some negroes at the northside of the island, out of an honest English merchant ship, vulgarly called an interloper, and conveying them to the southside near Spanish Town, this deponent was pursued in a most barba-

rous and hostile manner by several of the governor's own troopers, armed to seize the said negroes; which illegal proceedings this deponent being informed of, and to prevent the ill consequences that might happen, contrived the preservation of himself and negroes from such land forces; after which the governor not attaining his ends, this deponent was by his instruments threatened to have his commission taken from him: And when this deponent by his attorney brought his action at common law against sir Henry Morgan for a just debt, and of four years standing, he received abundance of hard words from the governor, and was ordered to withdraw his action.

SAMUEL NASH.

A true copy,

PHILIP LOYD.

*Suorn before me, to the truth of the contents
hercof, 12th January, 1680.*

PHILIP LOYD.

THE deposition of Peter Beckford, aged thirty-seven years or thereabout, that the said deponent was in the island of Jamaica when the earl of Carlisle arrived there, and remained in the said island until the said earl departed thence; and that the said earl, in the time of his government, called two assemblies, and shewed them a body of laws sent from his sacred majesty under the broad seal of England, which they rejected, but yet raised an act of revenue, for the support of government, which the said earl passed; and, after the dissolution of one of the assemblies, the said earl did first ask the speaker if he would obey the king and his government as it was now established by his majesty's commission to the earl of Carlisle; to which the speaker answered he would always obey the king; the form of government he did not understand, or to that effect. The same question, or to that purpose, he asked several others, and some he only asked, if they would obey the king, to which they made several answers; but all that were present said they would obey the king; the said earl further added, to the best of this deponent's remembrance, that such as would not obey his majesty under this form of government were not fit to bear an office either military or civil.

This deponent further saith, he did see a patent under the broad seal of England, granted to the parish of Port-Royal by sir Thomas Lynch, for a market there; and, to the best of this deponent's memory, to put a
X clerk,

clerk, which the said parish made some advantage of; which the said earl granted away, as this deponent was informed, to the countess. In the time of the abovesaid assembly fitting, this deponent was of the committee that were ordered to peruse the accounts of Thomas Martin, esq. receiver-general, to see what money was then in the treasury, where was found entered in the receiver's books so much indigo and cocoa as the custom amounted to above two thousand pounds, to the best of this deponent's memory, which the said committee had orders from the assembly to take no notice of, because they said it was pirates goods. He this deponent was in the assembly when the said earl came with some of his council into their house, and took his chair, setting the speaker by him, and would have had them debate things in his presence.

He this deponent knew of one hundred pounds paid by one John Hewit for a pardon for having two wives, fifty paid to one Ellis a servant to the earl, and fifty to major Moleworth, a churchwarden of the parish of Port-Royal, which sum this deponent was told the earl had subscribed towards the building of the church at Port-Royal. The said earl asked this deponent if he thought bringing in the indigo would not be an advantage to the island, or to that effect: This deponent answered that he thought the proper question was, whether his majesty would be pleased at it or not (the Spaniards being our friends). The earl said the Spaniard had committed many depredations upon us.

He this deponent, after the provost-marshal had taken into his custody one lieutenant-colonel Samuel Long, *per* a warrant under the hand of the governor, went to the said earl and desired in behalf of the said Long a *habeas corpus*, as he the said earl was chancellor, which he refused; then this deponent went to the chief-justice and made the same demand, who likewise refused, saying the said Long was committed for treason.

He this deponent, in the time of the lord Vaughan's government, went by the command of the said lord aboard of one captain Rymer, and declared him a pirate. He this deponent was told by divers in Jamaica that one Pochin was condemned for murder and reprieved, and had his liberty abroad. And further this deponent saith not.

PETER BECKFORD.

Sworn to the truth of the contents before me,

PHILIP LOYD.

Jamaica,

Jamaica, January 7th, 1680.

CAPTAIN Nicholas Daniel, aged forty-six years or thereabout, declared upon oath, that, being in company with Mr. Thomas Martin and captain Bartholomew Sharpe, about the middle of October last, 1679, the said Sharp being entering a parcel of Spanish indigo which he had taken from the Spanish shore, told Mr. Martin that they had left behind them where they took that, several hundred chests more, which they could not take in: Mr. Martin replied, that if they brought it all, or if they could go again and fetch the remainder, they should come to no more damage than they did now; so that they paid the custom of it, or to that effect; and further faith not.

NICHOLAS DANIEL.

*Sworn at Port-Royal, Jamaica, by Captain Nicholas
Daniel, this 18th day of June, 1680, coram,*

A true copy,

WILLIAM BEESTON.

ABOUT five months since, being with captain Rives and Mr. Martin at Yallow's Bay, in discourse, captain Rives asked Mr. Martin to tell him on what design or where the privateers were gone; Mr. Martin told him he could not tell, but he supposed like fools to be knocked on the head; but if they would have taken his counsel they should have gone to have fetched the rest of the indigo, which they might have done easily and made a quick return, and this was the substance, but I cannot tell exactly the words of his discourse.

JOHN LYNE.

*Twentieth May, 1680, John Lyne appeared before me, and
voluntarily deposed to the truth of the above writing.*

A true copy,

FRANCIS HANSON.

May 6th, 1680.

IN the sloop *Primrose*, John Griffin, master, from Mannatee Bay, one hundred and ninety bags of cocoa, containing about twenty-three thousand pounds of cocoa, which parcel of cocoa captain Wilson naval officer would not suffer the master to deliver until he had acquainted the governor, and gave an order to the marshal to see that none was delivered until he came from the governor; but at the same time Mr. Martin, the king's receiver, was upon the wharf with a great crowd to receive the cocoa, and commanded the master to deliver the cocoa, and told him he would save him harmless. But, when the said Wilson had acquainted the governor with it, the governor was angry with him, and told him that sir Henry Morgan and Mr. Martin had acquainted him with the importation of the cocoa, and that he had given leave for it; and soon after this said Wilson was turned out, 1679, captain Edmund Cook and his company did pursue a small Spanish barque and killed some of their men about the island of Cuba; the said barque was laden with cocoa and brought here and entered with Mr. Martin, but the said Cook, as he declared, was ordered not to bring the barque into the harbour, but to send out sloops for the cocoa, and to burn the barque, which was done, there being eighteen thousand pounds of cocoa. Cooke had no commission. In the aforementioned sloop *Primrose*, at another time, was brought to the island two thousand pounds of cocoa. Thomas Martin demanded of all that entered indigo twenty shillings *per* chest, to allow their entering, and bought a great quantity of the indigo for himself and others. Such proceedings as above might be proved.

*A true copy,**PHILIP LOYD.*

AN ACCOUNT OF SOME AFFAIRS IN JAMAICA, DURING THE
GOVERNMENT OF HIS EXCELLENCY THE EARL OF CARLISLE.

THAT, on the first of December, 1678, his excellency, thinking fit to dissolve the assembly then sitting, sent for them, and, having past the revenue bill, told them he did dissolve them and they were dissolved: On which they all offered to go away, but he called them all back, and told them that he had something to say; which was, that many things had been said and done in that assembly, which did not seem to
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tender them such dutiful subjects that he might put his majesty's trust in to their hands, and therefore desired we would give some further manifestation of our obedience, and applied himself to me; and, sir, I begin with you first: will you obey the king and his governor to the new form of government which has been now sent over? To which I replied, my lord this is a thing so new and so sudden to me, that I desire some time to consider of it before I give my answer. But his excellency said I must do it presently, and so must we all. Then I said, my lord, I have ever been and will ever continue a faithful subject and servant to his majesty, I have taken the oaths of allegiance and supremacy often times, and I know no other way that the law appoints his majesty's subjects to make a farther manifestation of their duty and obedience to their king, but by this; if there be any law requires more I will obey it, and in the mean time will do my utmost to observe my duty according to those others; more, my lord, I cannot say. On this his excellency replied upon me, then you will not obey the king? Yes, my lord, said I, as long as I live. But, said his lordship, you will not obey him according to his new model. I answered, my lord, I do not know what it is, but, as far as I know it, I do not like it; therefore cannot voluntarily (since his majesty has not positively commanded it) give my consent to it. His lordship replied, I did know it; for I had seen his commission. Yes I had, but I had not seen his instructions, which were appendixes to his majesty's commission, and therefore I did not know it, and could give no other answer; so I was ordered to be put down on the left hand of the paper, as one not fit to be trusted to serve his majesty. Then his lordship proceeded to ask the rest, some this question, and others only, *will you obey the king?* according as he was pleased to favour some more than others. In this assembly and the other that followed, his lordship was pleased very often, on several occasions, to call them fools, asses, beggars, cowards, and many other appellations; which management they took so ill from a wise lord, considering the capacity they were then in, doing their king and country service, that it set their hearts much against him, and did no good to the public affairs.

In the government of sir Thomas Lynch, the parish of Port-Royal obtained from him, towards the defraying the great charge that parish is at, a patent in the name of churchwardens to the use of the parish for the clerk of the market-place, which is worth about fifty pounds *per annum*; and a growing profit. This his excellency took away by his own will from the

the parish, though the patent was recorded, and gave the place, as was said, to the countess; though in that I cannot be positive; but, whosoever had it, it was taken from the parish; by which they not only lost so much *per annum*, but it gives so great occasion for people to suspect that, if a governor can take away by his own will one patent, if he please may take away another, and therefore no man's freehold in the whole island is safe.

That in July or August, 1679, one Jacobs, a Dutchman, brought into some part of this island, where he privately lay, a parcel of cocoa and some other things, taken as they were said from the Spaniards; which were brought into the harbour of Port-Royal in the island-boats, entered in the custom-house, and were publicly landed and stored by the privateers. These goods at their importation were seized on by captain Wilson the naval officer, but were soon discharged, and he in a short time turned out of his place.

That, in the month of October, 1679, one Cooke, having with his company near the island of Cuba seized a Spanish barque, in which attempt some of the Spaniards, as was credibly reported, were killed; which barque and goods he brought to a place called Yallah's, of Jamaica, and thence came in old cloaths himself to the governor, with whom having spoken, the said Cooke and his men carried the said barque into Old-Harbour; from whence the goods, which were cocoa, skins, &c. were brought in the island-boats to Port-Royal, and landed and stored in the day-time, as this informer knows; and the said barque, as was credibly reported, burnt by advice in Old-Harbour, when the goods were taken out.

That, in November, 1679, Coxon, Sharpe, Seedall, and other of the privateers, brought four or five hundred chests of indigo, which they robbed from the Spaniards out of a store-house in the gulph of Amatique, as was often told by themselves, many or most of these were brought by the island-boats into Port-Royal, there paid custom, and were freely enjoyed by the privateers.

That, in February or March afterwards, the privateers being many of them in Port-Royal and St. Jago, though their ships were in other places, yet it was publicly said, that they were going to Porto-Bello, which accordingly they did, without any notice taken of them or hindrance used.

That

That, since, they have, by the help of the Indians, gotten into the fourth seas; where, by report, they have killed many Spaniards and gotten much wealth.

That it was commonly said by the privateers in Jamaica, that privateering was now much better and cheaper than when they had commissions; for now it was only to land their goods and pay the custom, and the rest was free, whereas before there were charges for commission, tenths, and fifteenths, and the condemnation in the admiralty.

That this informer was present in the earl of Carlisle's house, when there came before him three men to complain that their captain, Bartholomew Sharpe, one of the privateer's captains, denied them their shares of the indigo. The captain replied they left the ship and their shares near Jamaica, fearing they should be apprehended for pirates; but, finding no such thing, they came to claim again what he thought they ought not to do, having relinquished it already. This difference my lord heard, and endeavoured to compose betwixt them, but whether he did it fully or not I cannot say.

That, at two several times, discoursing with his excellency about the privateers what an injury and disreputation it was to the country, and that it would have been more for his majesty's service and his lordship's own profit, if he had seized all the privateers goods; by which he could have answered it to his majesty, and made some reparation to the right owners, if ever they came to claim it, and have kept the rest to himself: his lordship answered, in some anger, that he never proposed any good to the country but we were against it, and that these privateers goods should be sent to England, and the value returned in goods for the use of the island, &c.

WILLIAM BEESTON.

Sworn to the truth of the contents hereof, before me, the 7th January, 1680.

A true copy,

PHILIP LOYD.

A PATENT

A PATENT FROM KING CHARLES THE II.

FOR THE

OFFICE OF SURVEYOR AND AUDITOR GENERAL

OF THE

REVENUES IN JAMAICA.

Charles the Second, by the grace of God, of England, Scotland, France, and Ireland, king, defender of the faith, &c. To all to whom these presents shall come greeting:

K NOW ye, that we, out of our royal care of the good government and direction of our affairs in the remoter parts of the world, and particularly taking into our princely consideration how necessary it is for us to settle our revenues arising within and from our several foreign dominions, islands, colonies, and plantations, in America; and how much it would tend to the advantage of our service, and benefit of our subjects, to make some better provision for the due payment to us, our heirs and successors, of our said revenues; and for the due and orderly taking, examining, and stating, the accounts of all and every the collectors, receives, auditors, treasurers, sub-collectors, and other inferior officers, ministers, and persons, to whom it shall or may appertain or belong, to act or intermeddle in or with the collecting, levying, or receiving, of any of the sums of money growing, or arising, and due and payable, unto us, in and from any of our foreign dominions in America, which be best effected and brought to pass by erecting an office for the inspection, examination, and audit, of all and singular accounts of all monies arising and growing due and payable unto us, and accruing within our said dominions and colonies; have, for the causes and reasons aforesaid, as also for divers other great and weighty causes and considerations us hereunto especially moving, created, erected, and established, and by these presents, for us our heirs and successors, do create, erect, and establish, an office of general inspection, examination, and audit, of all and singular accounts, of all and every sum and sums of money arising and growing due and payable to us, and accruing, or
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which shall arise, grow, and become due, and payable, to us, and accrue in or from any of our foreign dominions, colonies, and plantations, in America; and the chief officer thereof shall be stiled and called the *surveyor auditor-general of all our revenues arising in America*: And know ye farther, that we, reposing especial trust and confidence in the faithfulness, abilities, and circumspection, of our trusty and well beloved subject William Blathwaite, esq. and for divers other good causes and considerations as thereunto especially moving, of our especial grace, certain knowledge, and mere motion, have given and granted, and by these presents do give and grant, unto him the said William Blathwaite, the said office of surveyor and auditor-general of all our revenues arising in America; and we do also give to him, the said William Blathwaite, full power and authority to inspect, examine, state, and audit, and with the allowance, authority, and consent, of the lord high treasurer, commissioners of our treasury, and chancellor of the exchequer for the time being, to determine all and singular accounts of all such rents, revenues, prizes, fines, escheats, forfeitures, duties, and profits, whatsoever, as are by reason or cause of any matter or thing happened or fallen since the beginning of the first war that was between us and the states-general of the united Netherlands, since our restoration, and not before; and which shall at any time hereafter happen, fall, become, or be due, payable, or accruing, unto us, our heirs and successors, during the continuance of this grant, in or from all or any of our said foreign dominions, islands, colonies, and plantations, in America; as also by all lawful ways and means to cause to be recovered and paid to the proper officers, to our use, all such rents, revenues, fines, escheats, forfeitures, duties, and profits, as are now and shall be hereafter due or owing to us, our heirs and successors, within or from our said foreign dominions in America; and to do and perform all and every such other matter, cause, or thing, in relation to the said accounts and revenues, which to the office or place of our surveyor-general, or any our auditors of our exchequer in England, doth, or may belong or appertain, as to our accounts and revenues in England; and him the said William Blathwaite, surveyor and auditor-general of all the rents, duties, revenues, prizes, fines, forfeitures, escheats, and profits, aforesaid, we do, for us, our heirs and successors, make, ordain, and constitute, to have, hold, enjoy, and exercise, the said office of surveyor and auditor-general unto him the said William Blathwaite, by himself or his sufficient deputy or deputies, for and during the time; and so long as he shall well behave himself in the

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said

said office. And, for the better encouragement of him the said William Blathwaite, diligently and faithfully to exercise the said office and employment of surveyor and auditor-general, as aforesaid, we have given and granted, and by these presents do give and grant, for us, our heirs and successors, unto the said William Blathwaite, the annuity or yearly salary of five hundred pounds sterling; to have, hold, receive, and enjoy, the said annuity or yearly salary of five hundred pounds sterling, to him the said William Blathwaite, during his good behaviour in the said office, out of the said rents, revenues, prizes, fines, forfeitures, escheats, duties, and profits, arising or growing due or payable as aforesaid, in and from our said dominions, colonies, and plantations, in America, by the hands of our treasurers, receivers, collectors, and other officers or persons, for the time being, out of such of our treasure as shall be remaining in their hands, after and according to the proportions following: that is to say, out of all or any of the rents and other the duties and profits aforesaid, arising in or from our dominion and colony of Virginia, the sum of one hundred pounds; out of our island of Barbadoes, the sum of one hundred and fifty pounds; out of our islands, commonly called the leeward Caribbee Islands, the sum of one hundred pounds; and out of our island of Jamaica the sum of one hundred and fifty pounds; to be allowed to them on their respective accounts, and to be received by the said William Blathwaite, as aforesaid, quarterly, at the four most usual feast days in the year, by even and equal portions; and the said payments to begin from the feast of the annunciation of the blessed Virgin Mary last past: and we do hereby authorize, will, and direct, all officers and persons whom it may concern to make due payment and allowance of the said annuity or salary of five hundred pounds sterling, in manner as aforesaid, according to the purport, true intent, and meaning, of these presents; for which the acquittance of the said William Blathwaite, his executors or administrators, shall be unto such officers and persons a sufficient discharge. And, to the end the said office of our surveyor and auditor-general may be duly and rightly executed, we do hereby will and command the said William Blathwaite and his deputies to be obedient to and to observe such orders, rules, and directions, for and concerning the same, and relating thereunto, as the high treasurer of England, or the commissioners of the treasury, and the chancellor of the exchequer for the time being, shall from time to time direct and appoint; which directions and orders shall be unto him the said William Blathwaite at all times a good and sufficient warrant

warrant and discharge; and that he do deliver unto them respectively, from time to time, a fair and just state of all such accounts as he shall receive from the respective officers settled or established, or to be settled or established, within our said plantations, colonies, and dominions, in America, as aforesaid: And that the said William Blathwaite do also, from time to time, offer and present to our high treasurer and commissioners of the treasury for the time being, such proposals and observations concerning our said duties and revenues as may any way tend to our service. And, for the more effectual execution and performance of the premises, we do hereby further impower and authorise the said William Blathwaite, from time to time, to constitute and appoint, by any writing under his hand and seal, such inferior officers for the better expediting and carrying on our service, in relation to the said office, as by nomination, warrant, and direction, from our high treasurer of England, or commissioners of our treasury, for the time being, the said William Blathwaite shall be directed, and them from time to time to suspend, remove, or displace, as to him the said William Blathwaite, with the direction of the lord treasurer, or commissioners of the treasury for the time being, shall be thought necessary and expedient. And whereas there is an auditor-general established by our authority within our colony of Virginia, we do hereby especially provide and require, that the auditor-general of Virginia, for the time being, do, from time to time, transmit and deliver unto the said William Blathwaite, his deputy or deputies, from time to time, and at all times hereafter, the full and particular state of all accounts of monies arising or payable within our said colony, as he the said auditor of Virginia shall and ought to receive the same from the respective collectors, receivers, and other officers, lawfully appointed to collect, receive, and manage, our said revenue; and after the determination of the present grant or grants of the said office of auditor-general of Virginia, the said office is to be annexed, and we do hereby annex the same, to the office of surveyor and auditor-general hereby erected; and the said William Blathwaite, and his successors in the said office hereby erected, shall do and perform by themselves or deputies all the powers and authorities which are or ought to be executed at this present by the said auditor-general of Virginia: And further, it is our express will and pleasure, that, by the name and title of rents, revenues, prizes, fines, escheats, forfeitures, duties, and profits, arising due and payable unto us, within our said dominions, be understood and comprized, to all intents and purposes, amongst other things, all and all

manner of arrears of monies, rents, revenues, prizes, and prize-goods, fines, forfeitures, escheats, duties, and profits, which have risen within our said dominions of America, and which are due, payable, and accountable, unto us, our heirs and successors, by any person or persons whatsoever, by cause or reason of any matter or thing happened or done since the beginning of the first war which was between us and the states-general of the United Netherlands, since our restoration, and not before; and all that shall hereafter happen, fall, or become, due to us, our heirs and successors, during the continuance of this grant, and also all seizures and forfeitures since that time lawfully belonging, or which shall at any time hereafter belong, unto us, our heirs and successors, by virtue of any law or statute of our kingdom of England, or other law which is or shall be in force in any of our said dominions in America respectively, or by reason of any special licence, grant, or charter, held of us, whether the same be made on land or upon the sea, in any part or parts whatsoever, lying or situate or commonly accounted to be lying or situate within the limits and bounds of America aforesaid. And we do hereby, for us, our heirs and successors, require and command all governors, deputy governors, councils, and commanders in chief, and their and every of their subordinate officers and ministers respectively, and all and every collector, receiver, treasurer, and all other officers and persons whatsoever, of, in, or appertaining to, our said colonies and dominions in America, from time to time, to observe, fulfil, and obey, our will and pleasure in all things concerning the premises, and to be aiding, assisting, and favouring, to the said William Blathwaite, his deputy or deputies, in the due execution thereof; and we do by these presents, for us, our heirs and successors, grant the said William Blathwaite that these our letters patent, or the enrollment or exemplification thereof, shall be good and effectual in the law, and shall as well in all courts of record or elsewhere within our realm of England, as also within any of our said islands, plantations, territories, and dominions, whatsoever, for his the said William Blathwaite having, exercising, and enjoying, the said office and annuity or salary according to their purports and true intent of these presents, without any further or other warrant in that behalf: And, lastly, it is provided, intended, and declared, that these presents, or any thing herein contained, shall not extend, or be construed to extend, to empower the said William Blathwaite, or any other person or persons, to act or intermeddle in or with the customs, impost, or duties, arising here in England,

for

for or upon any goods and merchandizes imported into this kingdom from our said islands, colonies, and plantations, in America, or with any bond, or obligation taken or to be taken in pursuance of any act of parliament at any time heretofore made in England, or at any rates or duties payable unto us for goods transported from one plantation to another, by virtue of an act of parliament made in the five and twentieth year of our reign; any thing herein contained to the contrary notwithstanding. Although express mention of the true yearly value of the premises, or of any of them, or of any other gifts or grants by us, or by any of our progenitors or predecessors, heretofore made to the same William Blathwaite, in these presents, is not made, or any statute, ordinance, provision, proclamation, or restitution, heretofore had, made, enacted, ordained, or provided; or any other matter, cause, or thing, whatsoever to the contrary in anywise notwithstanding. In witness whereof, we have caused these our letters to be made patent. Witness ourself at Westminster, the nineteenth day of May, in the thirty-second year of our reign.

By writ of privy seal,

Picot,

A DIALOGUE

A D I A L O G U E

BETWEEN TWO

ASSEMBLY-MEN OF JAMAICA, FOR AND AGAINST

PASSING THE

REVENUE-BILL FOR SEVEN YEARS.

Pro.—**W**ELL, how do you like this putting it off for a day or two longer?

Con.—Not at all, for we have done nothing these six months but put off, adjourn, and the God knows what! When do you think we shall make an end at this rate?

Pro.—This is the way to make an end; for, if this revenue-bill be not well adjusted, all we have done already signifies nothing; and about six months hence we may expect to begin again, and then I hope all that are so fond of the frequent meetings of assemblies will have their bellies full; for my part, I am full of it already.

Con.—What do you mean by well adjusting it?

Pro.—I mean agreeing upon it in such terms and conditions as may not obstruct its passing with the governor, and yet be safe and profitable to the country; so as the forts now ready to fall may be repaired and kept in good condition, and no misapplication of the money to any other use whatsoever than for the support of the government and contingent charges thereof; and further to secure unto us a wholesome body of laws, without which neither property nor liberty can be safe.

Con.—And do you think that all this may be done, or that the governor will consent to any thing like it?

Pro.—

Pro.—I not only think it, but am in a manner assured of it, from such as are acquainted with his instructions in these points; to understand which is the business of our frequent conferring with some of the gentlemen of the other house, whose interest differs in no point from ours, whatever they may appear in their public capacity; and when we come to reason things together, wherein the good of the island is concerned, you will find them to be the same with us, and that we all aim at the same end, though sometimes we may differ in the means of obtaining it; in the arguing whereof I have always observed them to be as ready to yield unto us, when reason hath so required, as they can desire we should be to condescend unto them, when the strength of argument shall be on their side.

Con.—Now I perceive you are one of the cabal, and pretended to be a manager thereof. I will have nothing more to say to you, only that, notwithstanding all the arguments you can bring, I am and shall be as much against the seven years bill as you can be for it, and so farewell to you.

Pro.—Pray be not so hasty. Hear me first. I am none of those you mean, nor was I with them you call caballers last night, which by the way is but an ill term upon men of such a good intention towards the public. For my part, I have been inclined to the same opinion I now am of a good while, and am the more confirmed in it the more I consider of it. They that were there of our house last night are such as have all along been of the contrary opinion, who like men of prudence and good conscience, before they would proceed upon the material point which seems so much to influence the future good or hurt of Jamaica, were willing to hear the reasons of such as differed from themselves in opinion, though not in interest, that, by comparing them with their own, they might afterwards resolve upon that which should carry with it the fairest probability of advancing the common good.

Con.—And they came away without doubt very good converts?

Pro.—I hear nothing like it, only that they were not so positive as they were before; which I take to be the reason that some moved for putting off the debate a day or two longer, for further considerations, though this morning was appointed for it.

Con.—I know not what their reasons may be, but I believe I shall hardly depart from my first opinion.

Pro.

Pro.—For my part, I am never so wedded to my own sense but I can hear another man's and embrace it, if he can shew me better reasons for the maintaining his opinion than I give for mine; and, therefore, since you seem to be so positive against the seven years bill, I desire you would let me know the reasons why you are so.

Con.—Because, when once we have settled the revenue-bill for seven years, the governor will have no more occasion to call us together again; so we shall never get any more laws passed, or have any grievances remedied within that time, unless we pay or compound for the same.

Pro.—It is to be supposed that, before the passing that bill, the whole body of laws is to be settled, especially all those between the prerogative and the subject; which being done, there will not be the same occasion for public assemblies as there hath been. But in case it should be thought needful to make or alter any temporary law which concerns ourselves, the matter of it will always be of such indifference to the king, that we can have no reason to suspect his governor will refuse to pass it, when it shall come before him in a parliamentary way from both houses. I am of opinion to offer a bill, or put in a clause in the revenue-bill, to this effect, to have an assembly called once in two years at least (*de die in diem*), to consider of what shall come before them.

Con.—But, suppose the governor should not call the assembly by the time appointed by the act, what remedy have we then?

Pro.—That may be provided for by the act, as thus, that if the governor do not issue out the king's writ by such a time for calling a new assembly, then the assembly that was last in being shall be revived, and sit and act for so many days, with the same authority as they did when they were first convened.

Con.—But what assurance can we have that any grievance will be remedied in that time, in case they should sit and take cognizance of any such, when we have neither money nor bribe to procure it?

Pro.—For that we must trust to the governor's prudence and justice, which will oblige him to give us a convenient remedy; for, should he refuse

refuse to do it, we shall have opportunity whilst we sit to address and remonstrate, which no prudent governor will ever give occasion for.

Con.—But, do you think that if such a bill or clause for the meeting of assemblies were offered by us, would it be consented unto by the governor?

Pro.—Who can tell that? But I never heard he had any instructions against it, and, from the nature of the bill, can judge of no reason he can have to refuse it; however, if we think it a good bill, it is our duty to offer it, and, provided we pass the other for seven years, we need not doubt the passing of that; but for us to part with our money for so long time together, and have our forts neglected and fall to ruin, as by sad experience we have found almost in all governors' times, will accuse us of too much easiness and too little circumspection into the country's concerns. It is to provide against such evils that makes me be for the seven years bill, because under that condition we shall have liberty of applying a thousand pounds *per annum* certain to the forts, besides the body of laws that depends upon it; and we shall not only have all the money we raise by that act secure to the public uses of the island but the quit-rents also, which is as much more, and the king might give it away to whom he pleased; whereas, in any of our two years bills, no such conditions could be ever granted; and you know how that from two years to two years we have gone on giving without any scruple, or care how to have it applied, and so should proceed *ad infinitum*, not considering how much better it would be for us to give a seven years bill under so many cautions and conditions as now we may. Besides, a two years bill hath naturally this evil in it, that being short lived and very uncertain in its raising again, so that once in two or three years it frequently happens we have none at all for six or nine months together, the governor, though he should have one year's money to spare, and of himself be well enough inclined towards the forts, yet he durst not lay it out for fear of wanting it himself the next; whereas when the revenue is settled for a longer time, and money applied to that use, he will have no reason upon like apprehension to go about to divert it, because that, if money fall short one year, he may expect it will come in the next.

Con.—But you know the forts have always been made the pretence for raising of money, and never any laid out upon them for divers years; and

How do we know that, having passed this bill for seven years, we shall not be forced to repair and keep up the forts ourselves?

Pro.—Because we intend to provide against it in the bill itself as strongly as words can bind it; by the applying of a thousand pounds *per annum* to that use, which if laid out accordingly may sufficiently secure us from that fear.

Con.—But suppose it should not be laid out upon the forts, notwithstanding our applying of it, who shall sue the governor, or what remedy shall we have?

Pro.—That we must provide for as well as we can; but at least we have this remedy, that it will come under the cognizance of our two years assembly, if that bill be passed, and so be represented as an agrievance; besides which, we shall be furnished with a very good excuse to deny the giving of any more money in case it should be asked of us; but, however that happens, thus much we may conclude from it, that the seven years bill is in all probability the best provision we can make for the support of the forts, and if we have no seven years bill there is all the probability in the world that they must and will fall to ruin, in regard there will not be money to maintain them; for you know very well it must be a seven years bill or none at all.

Con.—But, whilst a seven years bill is so much insisted upon, that none under that time will be accepted, is it not an imposing upon the freewill of the subject, who uses not to be directed what or how to give?

Pro.—I cannot imagine any such intention as imposing upon us in it, and they must be prejudiced in it that take it so; for most certainly it is for nothing else but that the king and the ministers, having found as well as ourselves so much trouble in the frequent occasions of new instructions and orders concerning this government, upon every meeting of assembly, they propose this method only for their ease; and concerning which I think will be as much our own, and the several advantages we shall receive thereby are too considerable, I hope, for us to suffer any such objections to take place against it.

Con.—But why might not a less time than seven years do?

Pro.

Pro.—Because the governor's instructions are such, and he cannot vary from them, and which the governing ministers will not alter, concluding we have all the reason in the world to comply therewith for our own sakes, as well as in duty and gratitude to the king, after his majesty hath, upon our humble address, been graciously pleased to restore us to our beloved form of making laws, wherein we enjoy beyond all dispute all the deliberative powers that the house of commons in England does; and hath further condescended to our applying the very quit-rents, which is as much money given out of his purse, to the public uses of the island; especially when it shall be considered whose the money is that we do give, and to what uses it is given; the money is not the country's, but foreigners, but the uses it is given to is the island's, and the advantages thereof our own; so that certainly we shall be a very happy people, if thus, by the help of other men's purses, we can support the government, maintain our forts, and secure our estates, without any charge to ourselves; a condition that hardly any other nation in the world can boast of; and all indifferent men in the world would think us either mad or bewitched, should we lose so good an occasion as this is of establishing our happiness, when it is to be done upon such easy terms.

Con.—But it is believed the new governor that is coming may bring other orders with him, so that a bill for a shorter time may be accepted, and we have all the same advantages with it.

Pro.—Of that I am fully assured to the contrary, by a letter I have seen from him of the latest date of any that came by the last ships, wherein he writes, that, having laboured and done all that was possible for him to do or say, for the obtaining of some alteration in that point, he could not find that any one of the lords of the council could be persuaded to advise the king unto it, but were all of them very positive that the bill ought to be for seven years at least.

Con.—But suppose, for all this, that we should not consent to it for seven years, what then?

Pro.—It is impossible for me to reckon up all the inconveniencies that may attend us by it, for who knows what measures will afterwards be taken with us; but of this we are but too well assured, that several of our most beneficial laws cannot be passed here, and the forts must unavoidably

go to ruin, and possibly so far as to be past recovery, by such a revenue-bill hereafter, and then what can follow, but that they must be rebuilt at the country's charge; for after this we must never expect again to have the quit-rents by any law to be appropriated to the use of the island; besides which, all the pains and charge we have been at these seven months together with our more precious time, in making of such laws as are already passed here, will, in all probability, be quite lost, and the laws rejected at home, when it shall be known to the king that we have refused him the seven years bill; yet never was there a better body of laws framed for the good of Jamaica than these that now are, and others that may be passed; so that we should be extremely unhappy in such a disappointment, which being drawn upon us by our own wilfulness, we shall rather be exposed to contempt and scorn than pitied by our fellow subjects. I have too much reason to fear we shall never have the same opportunity again, at least I am sure it is no prudence to trust to it, whilst it is in our power to make sure of this we have, especially when it is to be done, as I told you before, at the sole charge of foreigners, without one penny of real money of the island.

Con.—That, I must confess, weighs more with me than any thing else you have said, but I shall consider both of that and the rest, with some other of our friends; and God Almighty direct us all to do for the best!

Drawn by colonel Hender Moleworth, 1682, upon the passing the revenue bill void of clogs, the first of sir Thomas Lynch.

A N O R D E R

DISAPPROVING THE

ACT DECLARING THE LAWS OF ENGLAND
IN FORCE IN JAMAICA.

At the court at Whitehall, the twenty-third February, 1682, by the king's most excellent majesty, and the lords of his majesty's privy council.

WHEREAS, by the powers given unto Charles, earl of Carlisle, late governor-in-chief of the island of Jamaica, and, in his absence, to the commander-in-chief thereof for the time being, dated the third day of November, in the thirty-second year of his majesty's reign, his majesty has been graciously pleased to authorise and empower the governor, council, and assembly, of the said island, to constitute and ordain laws, which are to be in force until his majesty's pleasure be signified to the contrary; and forasmuch as, in pursuance of the said powers, an act has been passed at an assembly in the said island, on the twenty-eighth of October, 1681, entitled, '*An act declaring the laws of England in force,*' his majesty is pleased to signify his dissatisfaction and disallowance of the same; and, according to his majesty's pleasure thereupon expressed, the said law is hereby repealed, void, and of no effect,

JOHN NICHOLAS.

THE

THE GOVERNOR'S SPEECH
TO THE
ASSEMBLY OF JAMAICA.

SINCE all colonies need, and all people desire, certain and known laws, and that we have here laboured above twenty years in composing a body of them, and since we may believe this session will give the finishing stroke to so great and needful a thing, it must therefore follow, it will not only be agreeable to us but profitable to them that come after us. It is true former assemblies have met generally out of temper, some of them have been prejudiced, others jealous, the best so anxious, that all have been rendered impracticable; but you, gentlemen, have taken better methods, and the last session given such instances of your duty and loyalty to the king, and zeal and affection to the interest of this flourishing colony, that the people cannot enough value nor enough praise you; for, without flattery, it is your prudence and moderation that have established our peace, promoted our interests, and given such sanction to the meeting of assemblies, that I dare say, now you have made them easy, they will for the future become frequent. From your last session, gentlemen, we may begin to date the prosperity of the island, for it was then you gave his majesty all the testimonies of duty you were capable of, by entirely submitting all your concerns to his sacred will, and by your ready and cheerful taking every offensive clause out of the act of his revenue: It was then you framed your most reasonable petition and discreet address, wherein you acknowledged that duty, and professed that gratitude, which is due to so great a benefactor, so exact a prince, as our king: It was then, likewise, you made such prudent and humble application to our lords at home, that I may say without hyperbole, if I could without presumption, it has rendered them so favourable that they seem concerned for us as advocates, kind to us as guardian angels; the happy consequences thereof are so obvious, I need say nothing, for who does not know how gracious the king is, how obliging the lords have been, how great our credit abroad, how perfect our union here, all mankind agrees in it, and see heaven seems pleased as well as the king. For, if the last year it appeared brass, this it melts into showers, to rain blessings,

sings on us; for who has ever seen Port-Royal so full of ships, or known the planters have sold their goods so dear. If we have had losses at sea, have they not been borne with that equanimity and silence that becomes merchants and reasonable men, and our trade is nevertheless encreased, so that we have more seamen and vessels than any king's colonies in these Indies; and are not you all my witnesses that, within fifteen months, every man's freehold throughout this great island is almost risen in value from fifty to two hundred *per cent*, so that we have actually experimented what is commonly said, *concordia parve res crescunt*, &c. peace and agreement make little and young colonies thrive, whereas discord and quarrels ruin those that are great and prosperous; I must therefore again say, and wave my part in it, your conduct has done this, and which is more valuable, it has procured us a most particular mark of the king's grace and favour. This, gentlemen, appears best in his majesty's own letter. I dare not presume to tally it with any comment, for it is all the king, every syllable is good, every period infinitely gracious. The gentlemen of the council have entered it in their book; here it is for you to record, not only in your journal, but in your memories, so that you may discourse it to your children, they to their posterity, that the generations to come may know it, bless God for it, and recur to it as another kind of *magna charta*. You have, gentlemen, that clause in the charter of the governor that continues assemblies, declares their laws must depend on the king's pleasure; you must needs have heard those of Virginia, Barbadoes, &c. do to this day, yet they are ancient colonies, have cost the king nothing, but have and do render considerably both to him and the nation; notwithstanding this, and that wise and just princes manage their prerogative, yet ours has been so singularly gracious to us as to relax his, pass your laws, and here they are in your own words; by which act and grace his majesty is pleased for seven years to foreclose himself the use of that power which all divine and human rights vest him with; and this, gentlemen, is a consideration so extraordinary, a grace so obliging, that you can better comprehend than I express it; certain it is, another kind of prince, in such kind of juncture, would have made no such concession, nor when pressed for money, on report only of our losses by pirates, been at the charge to send us another freight. These things are extraordinary, so is all that the king has done for us, and by it you see princes souls, or the perfect representative God has on earth; you can no sooner shew your submission and dependence, but you shall receive good and have protection. Possibly, gentlemen, some scrupulous and ill informed people
without

without doors (we here know and can judge better), may be shocked at seven years, and fancy the laws should have passed indefinite; but these do not consider that places, times, and affairs, as well as men and the reason of things, do all naturally change; pray mark it, and that there is no difference betwixt making a thing perpetual and putting it into the train of being so; we do not think the motions of a clock the less perfect or regular because it needs winding up, and if we desire assemblies should sometimes meet, we ought what may occasion it. Can any one judge it reasonable we should have so great a concern for our little trifling municipal laws, and think the ministers at home should be so supine as to have none at all for the great laws of the state, and what regards the king? Is not his revenue the reason and balance, is it not rather the soul and vitals? Can there be motions, can there be life, in government without money? The king then is very just, and his ministers have been exceeding prudent, for they have only joined with his powers what our good renders absolutely inseparable. If that does not entirely please, you should have done, or do yet, as wise nature for the noble parts, the heart first, and you may believe the body and members will proportionally have life, vigour, and duration. This book, gentlemen, does not contain all your laws, some are returned to be amended, but those amendments are so reasonable, you will no sooner hear them but you will assent to them: one is the king is too humane to be paid for shedding man's blood, so you must find some other way to restrain the cruelty of masters, more barbarous than their slaves; another is, his majesty would have his peace observed, and all his subjects have their rights; his attorney he thinks an honest and material officer herein, so must not be discouraged, nor pay other fees than in England. There are some other things like these, the detail of them you have in the letter of the lords, which I put into your hands, because it will best inform and direct you. And pray take notice if there be any thing in the act already passed that you will judge ought to be altered or amended, you may do it and believe it reasonable it will be readily assented to by me. The negro act the king keeps in his own power, either to suppress or continue as seems most reasonable to his majesty; and this I think the best for us, and that it was a mistake to wave his majesty's order, that provided for the importation as well as determined the price. In trade, all restrictions and impositions that are not very supportable prove prohibitions; it is against reason or the nature of commerce to put a perpetual standing price on goods wanted, and that at all to be imported, for trade ought to have liberty and encouragement,
being

being naturally subject to all casualties; we therefore see in all places where it is freest there is greatest, and those that take away the merchants hopes, cramp all their designs, for hope is as necessary for the barter of this world as for that which is to come; but need say no more, we agree in the end, which is to have negroes, and differ in the way to it; for, as you will cheerfully humble to what the king orders, so shall I readily assent to whatever you shall advise or propose to me in it. Your declaratory law, gentlemen, is suppressed, as you may see, by the orders that speak the thing, but do not give the reason of it; for my part, I cannot comprehend why some have so violently affected it, since we are all English, and nobody has denied us any native right, and that the king's dominion is personal as well as local; so we may, without offending his majesty, claim suitable laws and protections, which all the world must confess we now have. I suppose none of you ever heard that any of the other colonies pretend to garble, and cull the laws of English war. Can you imagine the ministers would permit it, and pray would you take all the laws of England together? Would they not, like the Romans, spoil, depress, and stifle, that silly criminal that coveted them? What if in disorderly times, and under a weak ministry, any thing has been wrested from the king that impedes the exercise of his just authority; you are too prudent, too dutiful, to expect he should transfer the margin of it to another world; and, consider, does not reason tell us now what Aristotle long since told the world, and he was born a Greek, bred a philosopher, that is, he was a wise man in the country of liberty, yet said, *bonus rex pre-se-ndus optimus legibus*, that a good king is preferable to the best laws, there being much more in the execution than in the precept. The Roman story seems to confirm this, for we read in it, the world was easy under Augustus, Titus, Trajan, and those other just and wise princes, yet their wills were edicts. In sacred story we read, the Israelites were miserable, and all utterly and eternally extinguished, under their ill kings, and yet they were or should have been under a divine law. I do not say this to recommend what is arbitrary, but it is to advise that we esteem and bless God for our good prince, that, like a wise and tender parent in this matter, only denied us what would hurt us. Let us therefore desire rather apt than many laws, and remember England had good laws under Henry VII.; yet some too many then, much more now; for this is one hundred and seventy years ago, and then Empson Dudley, with other rapinous officers, putting supernumerary penal laws into execution, so vexed the people that, as my lord Bacon says, they turned law and justice

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into wormwood and rapine. Some consideration like this, made a discreet Frenchman say, *je plus vault le code de que le pais conquise*, that is, France was obliged to the king more for contracting their laws than for enlarging his dominions, which makes me fancy laws to young colonies are like physick to the body, wherein not only the quantity but the nature and due preparation of the medicine is considered, for that only which makes it fit makes it operate well; but because the best of kings must die, and good laws do remain, and such, if they are not strong barriers to bad governors, yet they are certain rules to good ones; you have therefore good reason to desire them, and I do comply with you in it, my sense as well as interest being bound up with yours in this and every thing that may be for your service and the common good, I therefore here tender you the draft of another law that has satisfied all I have shewn it to, as I suppose it will you, for its the same in substance though not in terms: If you like it, I doubt not but the king will graciously pass it as your amendments, and as he has done all the rest. I must not end, gentlemen, before I tell you we have great obligations to our friends in England, who have ingeniously acted their parts, particularly sir Charles Lyttleton and colonel Beeston. By their letter and accounts, which I here put into your hands, you will see how kind and solicitous they have been, I must therefore say, if you are desirous to express your gratitude for his majesty's grace and his minister's favour to us, (you must do it actually): I shall leave the method and consideration thereof wholly to you, for I would not by my advice or directions lessen your merits, or anticipate any act of your duty, but would have all arise from your own sense, that your honour may be the greater, and my satisfaction will not be the less, for I have no ambition, not the least vanity. God has been pleased to put me under such fatal circumstances: pains and diseases have taken away my health and limbs, and the unhappy voyage of my sons and their mother; what is there then under heaven that I have to desire, but to see you happy, the laws settled, and the island prosperous, which God Almighty grant!

Spoke at St. Jago de la Vega, in Jamaica, the 5th September, 1683.

THE

THE KING'S INSTRUCTIONS TO
SIR PHILLIP HOWARD, KNIGHT.

(Duplicate)

JAMES R.

*Instructions for our trusty and well-beloved sir Phillip Howard, knight,
our captain-general and governor-in-chief in and over our island of Jamaica,
and other the territories depending thereon in America: Given at our court
at Whitehall, the 25th of November, 1685, in the first year of our
reign.*

1st.—**W**ITH these our instructions, you will receive our commission under our great seal of England, constituting you our captain-general and governor-in-chief in and over our island of Jamaica, and other the territories depending thereon.

2d.—And you are thereupon to fit yourself with all convenient speed, and repair to our said island.

3d.—And, being arrived there, you are to take upon you the execution of the place and trust reposed in you, and forthwith to call together such members of our council in that island as are not under suspension, viz. Hender Molefworth, esq. lieutenant-governor, sir Francis Watson, Thomas Freeman, John Cope, Thomas Ballard, Thomas Fuller, John White, esqrs. sir Thomas Modyford, bart. Theodore Cary, John Burdin, and Samuel Barry, esqrs.

4th.—And forasmuch as the late governor, sir Thomas Lynch, has, with the advice of the council, suspended sir Henry Morgan and colonel Byndlofs from attending our council, and removed them from all other offices and commands, as also displaced Charles Morgan from being captain of the chief fort, for their misbehaviour in the government; and that upon their application to his late majesty, our most dearly beloved in council, there ~~did not then~~ appear any cause to alter any thing the governor and
A 2 2 council

council had done therein; and colonel William Guy standing likewise suspended by our present lieutenant-governor from our council there; you are not to restore any of them to their trust and employments until a further examination of these proceedings, and a report thereof unto us, which you are to make with all convenient speed; you shall receive our pleasure therein. •

5th.—And you are, with a due solemnity, to cause our said commission under our great seal of England, constituting you our captain-general and governor-in-chief as aforesaid, to be published at the said meeting.

6th.—Which, being done, you are to administer unto each of the said members as well the oaths of allegiance as an oath for the due execution of their place and trust.

7th.—And to communicate such and so many of our instructions to the said council, wherein their advice and consent are mentioned to be requisite, as likewise all such others as at any time you shall find convenient for our service to be imparted unto them.

8th.—And also, as soon conveniently as may be after your arrival, you are to cause proclamation to be made in the other parts of our said island of your being constituted by us our captain-general and governor-in-chief as aforesaid.

9th.—And, that we may be always informed of the names of persons fit to supply the vacancies which shall happen in our council of Jamaica, you are to transmit to us and our committee of trade and foreign plantations the names and characters of twelve persons, inhabitants of our said island, whom you shall esteem the best qualified for that trust; and so from time to time, when any of them shall die or depart out of our said island, or become otherwise incapable, you are to supply the first number of twelve persons, by nominating others in their stead.

10th.—And in the choice of members of our said council, as also of the great officers, judges assistants, and justices, you are always to take care that they be men of a good life and well affected to the government, of good estates and abilities, and not necessitous people or much in debt.

11th.—And you are neither to augment nor diminish the number of our said council as it is hereby established, nor to suspend any of the present members thereof without good and sufficient cause; and, in case of suspension of any of them, you are forthwith to transmit unto us, and to the lords of our privy council appointed a committee for trade and plantations, the reason of your so doing, together with the charges and proofs against the said persons, and their answers thereunto.

12th.—And you are to signify our pleasure unto our council of Jamaica, that if any of them shall hereafter absent themselves without leave from our governor for the time being first obtained, or remain absent for the space of two years, or the greater part of them, without leave given under our royal signature, their place or places in our said council shall immediately become void, and that we will forthwith take care others be appointed in their stead.

13th.—And you are from time to time to send to us, and our said committee of trade and plantations, the names and qualities of any members by you put into the said council by the first convenience after your so doing; you are to observe, in passing laws, that the stile of enacting the same by the governor, council, and assembly, be henceforward used, and no other.

And our express will and pleasure is, that you transmit authentic copies, under the public seal, of our laws, statutes, and ordinances, that are now made and in force, or which shall be made and enacted within the said island, unto us and the lords of our privy council appointed a committee for trade and foreign plantations, within three months or sooner after their being enacted, together with duplicates thereof, by the next conveyance, upon pain of our highest displeasure, and of the forfeiture of that year's salary wherein you shall at any time, or upon any pretence whatsoever, omit to send over the laws and ordinances aforesaid within the time limited. And, forasmuch as that we have taken notice, in several laws heretofore passed within our said island of Jamaica, for levying money and imposing fines and penalties, the said laws, fines, and penalties, have been raised and appropriated to several uses, without any mention made of us in the grant or application of the same; our will and pleasure is, that no act or order be passed within that our island, in any case for levying money or imposing fines and penalties, whereby the same shall

shall not be mentioned to be reserved to our heirs and successors for the public uses of that our island, and support of the government, as by the act and order shall be directed. And we particularly require and command, that no money or value of money whatsoever be given or granted by any act or order of assembly to any governor, lieutenant-governor, or commander-in-chief, of our said island, which shall not, according to the stile of acts of parliament in England, be mentioned to be given and granted unto us with the humble desire of such assembly, that the same be applied to the use and behoof of such governor, lieutenant governor, or commander-in-chief, if we shall so think fit; or, if we shall not approve of such gift or application, that the said money or value of money be then disposed of and appropriated to such other uses as in the said act or order shall be mentioned, and that from the time the same be raised, it remain in the hands of the receiver of that our island until our royal pleasure shall be known therein.

And whereas great prejudice may happen to our service by the absence of our governor or commander-in-chief, without a sufficient cause, and especial leave in council; for prevention thereof, you are not, upon any pretence whatsoever, to come unto England from that government without first having obtained leave for so doing from us in council; we hereby declaring, that our verbal leave, or other permission whatsoever, except such leave in council, shall not be esteemed a sufficient warrant for the same, as it is particularly set forth and directed by an order in council, dated the third day of November, 1680, herewith delivered unto you.

And you are not to suffer any public money whatsoever to be issued or disposed of otherwise than by warrant under your hand; but you may nevertheless permit the assembly, from time to time, to view and examine the accounts of money or value of money disposed of, by virtue of any act made by them, which you are to signify to them as there shall be occasion.

And it is our express will and pleasure, that all laws whatsoever for the good government of our said island be made indefinite and without limitation of time, except the same be for a temporary end, and which will expire and have its full end within a certain time; and therefore you shall not re enact any law which shall be once enacted by you, except upon urgent occasions, but in no case more than once, without our express content

consent; you shall not remit any fines or forfeitures whatsoever above the sum of ten pounds before or after sentence given; nor dispose of any escheats whatsoever, or of any fine or forfeiture exceeding the sum of fifty pounds, until you shall have first signified unto us the nature of the offence, or occasion of such fines, or forfeitures and escheats, with the particular sum or value thereof, which you are to do with all speed unto our high treasurer or commissioners of our treasury for the time being, until you have received our directions therein; but you may in the time suspend the payment of such fines and forfeitures, and you are particularly not to pass any law or do any act by grant, settlement, or otherwise, whereby our revenue may be lessened or impaired, without our especial leave or command therein.

And whereas information has been lately given, that great quantities of goods and sums of money, piratically taken away or belonging to pirates, hath been brought into and now remaining in our island, for the seizure and confiscation whereof no due enquiry or process had been yet made, or no account thereof as yet returned of such seizure and confiscation, we do therefore charge and command you, with the advice and assistance of our council, to make strict enquiry, by the best means you can, where such goods or money piratically taken or belonging to pirates, are now to be found, and give all fitting encouragements to all such as may be able to make discovery thereof, to the end that all such concealments and embezzlements be brought to light, and to legal prosecution; and thereupon you transmit an account of your proceedings in the prosecution of these matters, in order to receive our pleasure therein.

You are to require the secretary of our island, or his deputy, for the time being, to furnish you with all such acts and public orders as shall be made from time to time, together with a copy of the journal of the council, to the end the same may be transmitted unto us as above directed; which he has duly to perform, upon pain of incurring the forfeiture of his office.

You shall not displace any of the judges, justices, or other officers or ministers, within our said island, without good and sufficient cause signified unto us and to our committee for plantations; and, to prevent arbitrary removals of judges and justices of the peace, you are not to express any limitation of time in the commissions you are to grant, with the advice
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and consent of the council, to fit persons for their employments; nor shall you execute yourself, or by deputy, any of the said offices, nor suffer any person to execute any more offices than one by deputy.

You shall not erect any court or office of judicature, not before erected nor established, nor dissolve any court or office already erected or established, without our special order: therefore you are to transmit unto us, with all convenient speed after your arrival, a particular account of all establishments of jurisdictions, courts, offices, and officers, powers; authorities, fees, and privileges, granted or settled within our said island, to the end you may receive our special directions therein. You are likewise, with the advice and consent of the council, to regulate all salaries or fees belonging to the place, or paid upon emergencies, that they be within the bounds of moderation, and that no exaction be made on any occasion whatsoever.

And we do hereby require and command you, that no man's life, member, or freehold, or goods, be taken away or harmed under your government, but by established and known laws not repugnant to, but as much as conveniently may be agreeable to, the laws of our kingdom of England.

You shall administer the oaths of allegiance to the members and officers of the council and assembly, all judges and justices, and all other officers that had any office in the island by virtue of any patent under our great seal of England or our seal of Jamaica, and you are to permit a liberty of conscience to all persons, so they be contented with a quiet and peaceable enjoyment of it, not giving offence or scandal to the government.

You shall take care that all planters and christian servants be well and fitly provided with arms, and that they be enlisted under officers, and, as often as shall be thought fit, mustered and trained, whereby they may be in a better readines for the defence of our said island and territories under your command; and you are to use your utmost endeavours that each planter do keep such a number of white servants as by law is directed, and that they appear in arms at all such times as they shall be required. And you are to take especial care that neither the frequency nor unreasonableness of remote marches, musters, and trainings, be a necessary impediment to the affairs of the planters. You shall take an inventory of all arms, ammunition, and stores, remaining in any of our magazines or garrisons in our said

said island under your command, and send an account of them forthwith after your arrival, and thenceforward yearly, unto us and the lords of the council appointed a committee for trade and foreign plantations. You shall likewise demand an account from the commander-in-chief how the arms, amunition, and stores, sent from our office of ordnance in this our kingdom, or bought with any public money, have been employed; and whether any of them, and how many, have been sold, spent, lost, decayed, or disposed of, to whom and to what uses; and, for your information herein, you shall herewith receive an account of what hath since the month of December, 1676, been issued out of, or sent from, the said office of our ordnance.

And, that we be the better informed of the trade of our said island, you are to take especial care that due entries be made in all parts thereof of all goods and commodities, their species and quantity, imported or exported, with the names, burthens, and guns, of all ships coming and going from the said island, which the naval officer is to furnish you withal; and you are to transmit the same unto us, and to the lords of our privy council appointed a committee for trade and foreign plantations, quarterly, and duplicates thereof by the next conveyance.

And our will and pleasure is, that no minister be preferred to any ecclesiastical benefice without a certificate from the right reverend the bishop of London of his being conforming to the doctrine and discipline of the church of England, and also our pleasure is, that you give order forthwith, if the same be not already done, that every minister within your government be one of the vestry in his respective parish, and that no vestry be held without him, except in case of sickness, or that after notice of a vestry summoned he absent himself. And you are to enquire whether there be any ministers within the government that preach and administer the sacraments without being in due orders, whereof you are to give an account to the bishop of London; and you are to endeavour, with the assistance of the council, that good and sufficient stipends and allowances be made and ascertained unto the ministers of every parish within your government; and, to the end the ecclesiastical jurisdiction of the said bishop of London may take place in that our island, as far as may be convenient, we do think fit that you give all countenance and encouragement to the exercise of the same, excepting only electing to benefices, granting licenses for marriages, and probate of wills, which we have reserved unto you our governor and the commander-in-chief for the

thirty time being; and that no person be permitted to come from England and to keep school within our said island without the licence of the said bishop; and that no other person being now in Jamaica, or that shall come from other parts, be admitted to keep school without your licence first had. You are to take especial care that a table of marriages, established by the canons of the church of England, be hung up in every church, and duly observed; and you are to endeavour to get a law passed in the assembly for the strict observation of the said table. You are to carry over a sufficient number of books of homilies, and books of the twenty-nine articles of the church of England, to be disposed of to every church, and you are to take care that they be duly kept and used therein.

You are to suppress the engrossing of commodities tending to the prejudice of that freedom which commerce and trade ought to have, and to settle such orders and regulations therein, with the advice of the council, as may be most acceptable to the generality of the inhabitants. You are to give all due encouragement and invitation to merchants and others who shall bring trade unto our said island, or any way contribute to their advantage, and particularly to the African company of England; and, as we are willing to recommend unto the said company that the said island may have a constant and sufficient supply of merchantable negroes, at moderate rates in money or commodities, so you are to take care that payment be duly made, and within a competent time, according to their agreements. And whereas we are informed that permission is granted from Spain for the shipping of that kingdom to come to that island of Jamaica, to buy negroes, which trade will probably be of considerable advantage to our subjects, and particularly to the royal African company, our will and pleasure is, that, for the encouragement of this design, you take especial care that such ships and persons as shall come to that our island be civilly treated, and receive all fitting encouragement in this design of buying negroes, provided they do nothing contrary to the act of navigation or the laws established in that our island. And, that the said persons may have free admission of bringing either money or goods of the product of any of the said countries, we do require, that no other duties or impositions be exacted or demanded for the blacks or goods, more than the law doth appoint; and you are likewise, upon the coming or departure of any ship to or from our said island, to buy or carry away such negroes, to order them to be convoyed by our frigates as far as you shall find conducing to their security, and encouragement.

ment to the trade. And it being represented unto us, that the said king of Spain hath granted power to Balthasar Caymans of trade under a patent, formerly granted to Nicholas Portio, for importing negroes to the Spanish West-Indies, and to take possession of the estate of Portio, for the benefit of his creditors, and that the said Caymans hath impowered Diego Maget to settle in our island of Jamaica, in order to continue the negro trade with our subjects in that island, you are therefore to permit the said Maget to have the free benefit of the law, and to countenance him and all others concerned in the said grant from the king of Spain in their proceedings there, so far forth as may consist with the encouragement of the negro trade in that island. And we do hereby command and enjoin you carefully to observe all the articles contained in the late treaty for the composing of differences, restraining of depredations, and establishing of peace, in America, concluded at Madrid, the 18th July, 1670, with the crown of Spain, an authentic copy whereof you shall herewith receive. And, in case any private injury or damage shall be offered or done to any of our subjects in those parts by any of the subjects of the king of Spain, you shall take care to give us an account, with all convenient speed, by one of our principal secretary's of state or the lords of our committee for trade and foreign plantations, and not to permit or encourage reparations thereof to be sought in any other way than what is directed and agreed on in the said articles of Madrid.

And whereas we think fit, for the better administration of justice, that a law be passed in the assembly, wherein shall be set the value of men's estates either in goods or lands, under which they shall not be capable of serving as jurors; our pleasure is, that at the first opportunity you endeavour the passing such a law. And our will and pleasure is, that appeals be permitted in cases of error from the courts in Jamaica unto the governor and council in civil causes, at the hearing of which appeals any three or more of the judges of the supreme court are to be present, to inform and assist the court, provided the sum or value appealed for do exceed three hundred pounds sterling, and that security be first duly given by the appellant to answer such charges as shall be awarded in case the first sentence be affirmed; and if either party shall not rest satisfied with the judgment of the governor and council, that then they may appeal unto us in council, provided the sum or value so appealed for unto us exceed five hundred pounds, and such appeal be made within one fortnight after sentence, and good security be given by the appellant that he effectually prosecute

secute the same, and answer the condemnation, as also pay such costs and damages as shall be awarded by us, in case the sentence of our government and council be affirmed, so as execution be not suspended by reason of any such appeal unto us.

You shall endeavour to get a law passed for the restraining of any inhuman severity, which, by reason of ill masters or overseers, may be used towards their christian servants or other slaves; and you are also, with the assistance of the council and assembly, to find out the best means to facilitate and encourage the conversion of negroes to the christian religion.

And whereas, amongst other laws passed in Jamaica the 5th September, 1683, an act for regulating slaves was transmitted unto his late majesty, who did not think fit to confirm the same, by reason of a clause therein contained, whereby such as wantonly and wilfully kill a negro are only liable to a fine and three months imprisonment; which penalties, not being equal to the guilt, might encourage the wilful shedding of blood, for which it is necessary some better provision be made, to deter all persons from such acts of cruelty, you are therefore to signify the same unto the next assembly, and further to propose to them the enacting a stricter clause in that behalf, which may be fit for our royal confirmation.

You are to recommend unto the council and assembly the raising of stocks, and building public workhouses, in convenient places for the poor and indigent people.

And whereas we are informed that a donation formerly made in St. Andrew's parish, in that our island, has been diverted from the intended use, our will and pleasure is, that you make enquiry concerning the same, and to take care the said donation be rightly applied.

In case of any distress of any of our plantations, you shall, upon application of the respective governors thereof to you, assist them with what aid the condition and safety of the island under your government can spare.

And you are to cause a survey to be taken of all the considerable landing places and harbours in the said island, and, with the advice of our said council, erect in any of them such fortifications as shall be necessary
for

for the security and advantage of the said island, which shall be done at the public charge, not doubting of the chearful concurrence of the inhabitants thereunto, from the common security and benefit they will receive thereby.

And whereas we are given to understand there are several offices within our said island, granted under the great seal of England, and that our service is very much prejudiced, by reason of the absence of the patentees, and by their appointing deputies not fit to officiate in their stead, you are therefore, upon your arrival in Jamaica, to inspect the said offices, and to enquire into the capacity and behaviour of the persons exercising them, and to report unto us, and to our committee of trade and plantations, what you think fit to be done or altered in relation thereunto; and you shall, upon misbehaviour of any of the said patentees, or their deputies, suspend them from the execution of their places till you shall have represented the whole matter unto us, and received our direction therein, appointing in the mean time fit persons to execute the said places; and you are to consider of a law like unto that in Ireland for absentees, that the inconveniencies arising thereby may be avoided.

And whereas Matthew Maveril and Abraham Gill have, by their petitions, made complaint of certain proceedings of sir Thomas Lynch, you are, upon your arrival in Jamaica, to examine the said petitions, and to transmit unto us a true state of the matters complained of, with your opinion thereof for determination.

And whereas complaint hath been made unto us, by the creditors of James Littleton of London, merchant, that they, having sued out a statute of bankrupt here in England, against the estate of the said Littleton, they are nevertheless without any remedy, although there be a considerable plantation and other effects now in Jamaica, purchased with the petitioner's money and credit by the said Littleton, you are therefore to examine the petitioner's case, and if the same, with other cases of like nature, be not sufficiently provided for by law in that island, you are to propose an act to be passed in the assembly there, whereby the petitioners, and others the creditors of persons becoming bankrupts in England, and having estates in Jamaica, may be relieved and satisfied for the debts owing to them.

And whereas Sarah Harrison hath likewise complained unto us, that a parcel

parcel of land with houses belonging unto her, at Cagoway in Jamaica, are under seizure for the arrears of rent, reserved upon the said lands unto us, humbly praying that they may be restored unto her, upon paying the same arrears, you are therefore, upon your arrival at Jamaica, to examine the petitioner's case, and transmit a true state thereof unto us for our determination.

We do hereby authorize you to forbear, if you shall think fit, the taking advantage of any penalty or forfeiture against any of the present planters or inhabitants of the said island, for not manuring or planting of their lands according to their time heretofore limited and appointed them for the same, until you shall have represented the true state of the affair unto us, by one of our principal secretary's of state, or to the lords of our committee for trade and foreign plantations; which you are accordingly to do with all speed, in order to receive our further commands and directions therein.

Our will and pleasure is, that all servants that shall come or be transported to our said island shall serve their respective masters for the term of four years, from the time of their landing; and every person that shall transport or carry servants there, shall, for every servant so carried and transported, have set out to him, upon the landing and employment of the said servant, thirty acres of land, to have and to hold unto him the said master, his heirs and assigns, for ever; and the said servant shall, at the end of the said term, have thirty acres of land set out and assigned to every of them respectively, to have and to hold to them and every of them, their heirs, and assigns, for ever.

Our will and pleasure is, that you take unto yourself, as governor, two thousand pounds sterling *per annum* out of the revenue, arising within that our island, and that you cause to be paid out of the said revenue, to the chief-justice, one hundred and twenty pounds *per annum*, and to the other judges, as also to the marshal and clerks of the assembly and other officers, their several allowances belonging to them; to the captain that commands the fort there, six shillings *per diem*, and to the gunners and matrosses what hath been formerly paid.

And whereas we are willing in the best manner to provide for the support of our government of Jamaica, by setting apart sufficient allowances
for

for such as shall be our governor or commander-in-chief, residing for the time being within the same. Our will and pleasure is, that, when it shall happen that you shall be absent from that our island, one full moiety of the salary, and all perquisites and emoluments whatsoever, which would otherwise become due unto you, shall, during your absence, be paid and satisfied unto such governor or commander-in-chief who shall be resident upon the place for the time being; we do hereby order and allot unto him, for the better maintenance or for the support of the dignity of that government.

And we do hereby empower you to consent to a law for raising money, in order to the better carrying on the solicitation of the public affairs in England, provided such law do not exceed three hundred pounds sterling yearly; but, in case you shall not think fit to agree to such a law, our pleasure is, that then the persons desiring the same may be permitted to make voluntary contributions for discharging the expence of their solicitations, provided such contributions do not exceed in one year three hundred pounds sterling.

And that, when any complaint shall be intended against you, notice be immediately given you thereof by the complainants, with the charge against you in writing, to the end you may make timely preparation for your defence.

Lastly, if any thing should happen that may be of advantage and security to the said island, and other the territories depending thereon, which is not herein or by our commission provided for, we do hereby allow unto you, with the advice and consent of the council, to take order for the present therein, giving us, by one of our principal secretary's of state, and our committee for trade and foreign plantations, speedy notice, that so you may receive our confirmation, if we shall approve the same: Provided always, that you do not, by colour of any power or authority hereby given you, commence or declare war, without our knowledge and particular care therein.

By his majesty's command,

SUNDERLAND.

SAMUEL.

SAMUEL BERNARD, ESQUIRE'S, SPEECH
TO HIS EXCELLENCY COLONEL MOLESWORTH,
ON HIS APPROVING THE
ASSEMBLY'S CHOICE OF HIM FOR THEIR SPEAKER.

May it please your honour,

THE approbation these gentlemen give to the past assembly, and the same you are pleased to pay to the former governors, makes me their speaker.

This being the first time, since his majesty's happy accession to the crown, that we have met in a body, I esteemed it our obligation thus publicly to make profession of our duty and loyalty to his majesty before your honour's representation, and that our joys cannot be expressed for his peaceful possession of the throne of his royal progenitors; maugre some clouds which since rose, but were soon dissipated by the divine blessing, on his arms, to convince those that are not both obstinately and wilfully blind of the truth of that scripture, that faith, *by him kings reign*, that though the sun set, yet might no obscurity follow, but what tended to the further illustration of his glory, and his being the more immediately under the protection of heaven.

The late severe accident of the rebellion of our slaves might easily make us infer the occasion of our calling, as well to redress the past as obviate any further evils of that nature, the reasonableness of it is but too apparent; I cannot but hope for a hearty union in all to do our own business; we know that our lives and fortunes, and of those that is most dear unto us, are all concerned, and such interest seldom fails to speak the truth plainly to us; and indeed in this case I may safely say, *salus populi* ought to be, if not *prima et suprema lex*, which if well considered we shall easily evade the character fixed on those that provide not for their families. We need not doubt your concurrence, you are so well known to us all, and have for so many years given such continued proofs of your candour,

candour, we may expect all things from you that conduce to his majesty's service, and the good of this island.

Lastly, sir, I am in the name of these gentlemen to crave the preservation of their usual privileges, freedom of debate, and access to your person, to prevent misconstructions; and to your former private favours add this public one, your pardon of me, their speaker, whose brevity ought to have compounded for his ill oratory.



C.

SECRET.

COLONEL MOLESWORTH'S SPEECH

TO THE

ASSEMBLY OF JAMAICA.

GENTLEMEN,

THE chief occasion of my calling you together at this time is, to advise with you in a matter that is certainly of very high importance unto us, and therefore it was no sooner in my power so to do, than I resolved on it: It is how to secure ourselves and estates (by some better provision than any hitherto made) against the barbarous treachery of our own slaves, to keep them in due order and subjection, as to render them truly serviceable unto us, and us safe with them; in case of any sudden insurrection, to be provided with such ready means for their reducing as may not only serve to effect it speedily, but discourage all others from joining with them or attempting the like by their example; the methods whereof are referred to you.

It is but too well known unto most of you, what abundance of trouble and charge a few of these desperate villains have lately given us, besides the bloody mischiefs committed on many poor families, which, though far short of what common sense hath rendered it, yet might have been much more, had their courage been equal to their agility of body and the opportunities they had for it. But God Almighty was pleased to restrain them, whose goodness we can never sufficiently acknowledge in it.

I shall not need to tell you what endeavours were used by the government for the suppressing that unhappy rebellion, under the disadvantageous circumstances of no money, and crippled power over the militia, they were too notorious to want defence, and not enough successful to merit praise; though, God be thanked, there are great hopes that we shall never more be troubled with that enemy.

What I have more particularly to recommend to you is, that you would take care to repay the money borrowed and expended upon that occasion:

To

To gratify the services of such poor men as to their extreme detriment have been commanded out in parties, without any pay or other consideration than what depends upon you: To reinstate such others in their settlements as have been driven from them, and consider how to secure them there for the future, in case of like accidents: To pay the little scores your parties have run into the poorer sort of planters for provisions, when they could not be otherwise supplied: To confirm the rewards promised by the council, and order performance where it is due: To enlarge the officers power over the militia at all such times: And, further, to provide a certain fund for the answering all such emergencies as may hereafter happen.

I have ordered the receiver-general to have all his accounts ready for your perusal, that you may see the state of the revenue, and be entirely satisfied that the monies appointed for the forts have been duly applied, according to the direction of the act. The fortifications themselves shew it as well as the accounts declare it.

The captain of the fort hath order also to inform you, if you desire it, how he is provided with all sorts of stores and ammunition, whereof I doubt not but he will give you such an account as you will be very well pleased with.

And now, gentlemen, being met together, I have one thing more to recommend to you by special direction from his majesty's command, which still is for our advantage; that you will prepare an act for the ascertaining the servitude of the rebels lately sent from England for ten years, according to the consideration of their pardons, and take care to prevent all clandestine releasements or buying out of their time; to the end that their punishments, after so great a mitigation, may yet in some measure be answerable to their crimes.

It behoves us also to consider that the act for governing our slaves hath not passed the royal assent, as the rest of our body of laws have done, though we have hitherto been permitted the use of it; yet hath it been postponed for no other reason than because his majesty and council do not think the penalties therein mentioned to be sufficient for the wanton and wilful effusion of human blood, and therefore you are to think of some other expedient.

You will do well also to consider the solicitors shall be supplied their charges borne, and the clerks paid, when the laws you now make shall be sent home for the royal confirmation; besides intervening accidents that require a constant stock in their hands, as other plantations have; the whereof you may regulate as you think fit.

I know you all to be too wise for me to think you into anything I would have you do, and I believe you too prudent to be talked out of what you ought to do, and do not at all doubt but that there are some who would be glad to see or make divisions amongst us (there seems to have been pains taken for it), but good patriots know how to govern themselves on such occasions, and wisdom is ever to be justified by her children.

Let it suffice that I can say for myself, I neither desire or expect any thing from you, that I have been known amongst you twenty years, that I am one of you, and that my interest stands upon the same foundation with yours; and therefore can have no design in what I now offer, but wherein I must be equally concerned with you in the event.

Gentlemen, and brother planters, I have now put a fair opportunity into your hands of doing yourselves good; if you make a right use of it, I shall be very glad of the part I bear with you in it, but, if you fall into wrong measures, to the frustrating of the happy occasion now offered, it will rise up in judgment against you, together with all the bad consequences that may happen to attend it.

After you shall have proceeded to a full resolution of the matter recommended unto you, and shall have any further to propose from yourselves, I shall readily entertain it as far as may be consistent with my duty.

I say let his prerogative and royal order be ever sacred to you, and then you need but tell me what you would have me to do, &c.

Mr.

MR. ELLETSON'S SPEECH IN THE ASSEMBLY.

MR. SPEAKER,

THE state and health of Jamaica, till within this small time, hath been very well known to most of the gentlemen here present, by its vigorous and flourishing condition, its wholesome laws duly executed, and a current trade well settled, encouraged, and maintained; it hath since that fallen into a languishing condition, and is now near expiring.

Our most gracious sovereign, in his princely care of, and kindness to, his subjects, as the best of kings and skilfullest of physicians, hath at this time, without any regard to himself, but solely to regain our former state of health and confirm it to us, called this general consultation.

Every member, therefore, of this infirm body ought faithfully to complain of its indisposition, that the malady, though compounded of ever so many ills, may by him be thoroughly understood, and then experience teaches the application will be proper and the cure easy.

That we have a complex of diseases is most certain; our faces are bloated, our stomachs are vicious and full of bilious humours, our hearts are as hollow as deceit itself.

The only care of late hath been for the preservation of head and heart, and a total neglect and flight of legs and arms; but the little finger must either receive its due nourishments, or the body becomes decrepid and infirm. Jamaica, till of late, hath not been known to want any thing, but now, with a great deal of sorrow may it be thought of, and truly said, to want all things, negroes, trade, and money; on these three hang all the good and ill of this island. *By me kings reign and princes decree judgment.*

As I came not here to act any thing maliciously, or in prejudice of any man, so neither was I sent here to advance my particular estate or purchase to myself honour, by conniving at or consenting to any thing which in my conscience I judge not the true public interest of Jamaica.

My motion therefore, Mr. Speaker, shall be, that this house would truly and impartially consider Jamaica's present affliction, and in a proper method its true remedy and redress. *And let all the people say amen.*
SOUTH

SOUTH SEA ACCOUNT, BY ARNOLD.

RICHARD ARNOLD'S DEPOSITION.

JAMAICA, ff.

The examination of Richard Arnold, aged twenty-six years or thereabouts.

THIS examinant saith, that on or about the sixteenth day of June, *anno domini* 1684, he went off this island on a voyage to the South Seas, under the command of one captain Peter Harris, being invited to that undertaking by one John Matthews, an acquaintance of the said examinant, being the only man of all the company that went over with the said examinant, who had been there before; and that the said Arnold went off in a sloop, whereof one Daniel Smith was master, from Point Negril to Grand Caymanas, and from thence to the Musquito's in another sloop, where he was taken by the said Harris on board his barque, and from thence transported to the Main near the Golden Island, where they landed and were mustered under the said Harris, to the number of ninety-six white men and three Indians, and there sunk their vessels; and that, on their arrival there, they were told by the Indians, that king Golden-Cap was dead, which troubled them for some time, but were soon revived by the good news that one Josepho, a great man amongst them, who spoke Spanish, and who had some considerable command and interest amongst the Indians, was willing to be their guide through the country towards the Stockadoes, whither they were designed, being about thirty leagues distant from their landing place: whereupon they set forward under Josepho's conduct, having with him about twenty Indians, and sent others before them to prepare canoes for them, about twelve leagues above the said Stockadoes, and performed their march in four days; and there embarked into the canoes provided as aforesaid, and so came down that river, and landed within half a mile of the Stockadoes, having by the way, by the help of the said Josepho, got together about three hundred Indians; and early in the morning fell on the said place and took it, where they shared about a hundred shares, at twenty-four ounces of gold dust each share, leaving the other gross plunder to the Indians: that at this place they took a barque belonging to

to his most Catholic majesty of four pederaroes, and thirty men, well armed with small arms, with about a thousand pounds sterling in dust gold, the rest of her cargo being liquors and lumber: here also the said examinant saith, they took eight large canoes, on which they all embarked again, leaving the Indians at the Stockadoes; also with their barques and canoes went down the river Andriel to the mouth of it, where they took another vessel laden with provisions and some wine, with which they proceeded on their voyage for the Cays to the southward of Panama, about two leagues thence called the King's Cays, where they took about ten sail of pearl barques, having nothing on board them but and plantains, &c. and with two of the best of the said barques, and the other barque of four pederaroes, being well fitted out of the other eight with all manner of necessary rigging, they proceeded to Cape Clare to the southward of Panama, to cruize for a ship, leaving the other eight barques on the shore on the Cays; from whence, having spent some time to no purpose, they steered away again to the westward near the place where they fitted, where they were attacked with five barques fitted out from Panama to take them, the admiral of which they laid on board, and fought board and board for an hour, but could not lath him fast, by reason they so well defended themselves with pikes; and the night coming on, whilst the rest of his fleet lay to windward and saw fair play. In this engagement they lost three men outright, and two more wounded, who died soon after; the Spanish admiral above forty men. From thence they stood away further to the westward for the river called Niciao, in hopes of getting a bigger vessel, being a place where the Spaniards built their ships; in sight of which place they spied a ship at an anchor, to which they made, and sent their canoes on board to know who and what she was, which proved to be captain Swan in a ship about a hundred and forty tons, sixteen guns, and twenty men, with whom they entered into an agreement for his ship at ten shares himself, his men two, and his boy half a share; the business of the said Swan before that time, as this examinant believes, being only for trade. On which agreement, they manned the said ship and turned the lesser barques adrift, retaining only that first taken, and so stood away to the southward, to join themselves with one captain John Cooke, who the said Swan told them was come about in a Dutch ship of thirty-six guns, which he took with a small vessel of three guns on the coast of Gumica; and at the Isle of Plate found the said ship commanded by one captain Davis, and manned with seventy-five men, the said Cooke being dead; on board of which ship the said Davis had a prisoner

prisoner who undertook to carry them to a rich town called *Guyaquil*; on which voyage they proceeded, and went up the river in their canoes, and landed about a hundred and thirty about two leagues short of the said town; where, being landed and ready to march, on seeing many lights in the town, a dispute arose between Swan and Davis, who then commanded the whole party. Swan supposing the same to be lighted matches would not adventure to march farther, concluding they were defied; whereupon they returned on board again, much dissatisfied with Swan's conduct, being well assured by their prisoner they might have made five hundred pounds sterling a man in gold. From this place they proceeded to another place called *Payla*, where they also landed about ninety men, and took, plundered, and burnt it; where they were entertained with about a hundred and sixty men from *Pura*, a place they designed to take by surprize; so, finding themselves defied, and that city in arms for their coming, they returned on ship-board again. On this bad success, it was generally concluded among them to stand away to the westward again for the Cays, and to lay there for the Spanish fleet then expected from *Callas*, the *Barkadera* of *Lima*, where they continued about five months; during which time several parties came over land, as this examinant and his companions had done before them, and got to the said Cays in canoes, *viz.* one captain Francis with about four hundred French, captain *Lequi* with about fifty, both which came together over land from *Golden Island*, as aforesaid; and, to welcome the said Francis, this examinant faith, they gave him a ship of four hundred tons, which they had taken whilst at the Cays, laden with flour, where also they took about twelve barques with provisions, fowls, and other such like necessaries, bound for *Panama*, all which barques they turned adrift, having taken their necessities. After the arrival of the two first parties, and disposal of the said great ship, there came three other parties over land by way of *Golden Island*, *viz.* captain Francis Townly, captain Leigh, and captain Brandy, with about three hundred and sixty men amongst them, most English, who in this voyage with their canoes took two ships with provisions; where it was further agreed to carry on the design against the Spanish fleet, and that Davis should be admiral, having an antiquated French commission, and carry the flag at the main-top-mast-head, and that Swan should be vice-admiral, who utterly refused to wear French colours or fight under any other colours than the king of England's, for that he had lost two men in fair trade with the Spaniards, and so wore the union flag at fore-top-mast-head, king's jack, &c. And that captain Francis should second

Davis,

Davis, who was to lay the admiral on board, captain Townly to second captain Swan, who was to board the vice-admiral, and that captain Leonard in a fire-barque should also attend on Davis, if need were, to burn the Spanish admiral, and in that manner to engage the Spanish fleet. In the interim of which, the Spanish fleet standing far off in the offing, passes unseen, and lands their money at Leveia, about ten leagues to westward of Panama, and there takes in considerable reinforcement of men, &c. and comes to sea, consisting of about eleven sail and two fire-ships; the admiral having fifty-four guns, vice-admiral forty-six, and rear-admiral thirty-six, and from thence to twenty-six and sixteen guns, coming unexpected to the privateers about the Cays from the westward, stood right in upon them, which caused them to weigh and stand off, to clear and get the wind of them if possible; upon which the Frenchman, who should have seconded Davis, veers away, and never offers to tack or come to their assistance, whereby that day was quite spent without any action. The next day, they being to leeward of the Spanish fleet, the admiral and his fleet bore down on Davis, who bore away to speak to Swan and Townly, to consult them what was best to be done; who, finding the French had left them with their fire-ships, made a running fight of it, having turned some of their canoes adrift, and lost other some by the Spaniards shot: went further to the westward, to a place called Quibo, to build new canoes, where, in three weeks, they built ten new ones; where it was concluded to go for Rio Leo and the city of Leon, which they took, plundered, and burnt, having missed of the wealth, having been descried ere they entered the town, so shared no considerable matter; after which they resumed their former resolutions for Rio Leo, which they took likewise, plundered, and burnt; the last place affording nothing valuable to them, more than pitch and tar, being the product of those places, and that place famous for building great ships; there also the Spaniards set fire to two considerable ships on the stocks, one ready to launch, to prevent them falling into enemies hands. At this place the fleet divided, being in or about the month of June, *anno domini* 1685, Swan and Townly directing their course farther to westward for Aqua Pulco and California, to try their fortunes there, and from thence round the Phillipine Isles to the East-Indies, and so home, as they said; captain Davis and his fire-ships designing back again to the southward for Truxillo, a place far to windward; after which this examinant never saw or heard of Swan and Townly. In their designed voyage for Truxillo, being in some want of provisions, Davis, with whom the examinant sailed, touched at

certain islands called the Gallipoli, being informed by some of the crew that captain Eaton had formerly left some flour there; and accordingly found it true, and took in seven hundred packs of flour and proceeded for Truxillo, but missed it, the wind blowing so hard that it was not possible for them to turn to windward of it or row ahead with their canoes, and so bore up for Samia, about twelve leagues to leeward of them, and landed at a barquadier called Chereby, and took it with all the Indians belonging to that town, to prevent being descried, and marched for Samia, being about seven leagues up in the country, with two hundred and thirty men, commanded by captain Davis and one captain Knight, in a barque of fifty-five men, who fell in with them as they came from the westward; which town they took and kept three days, and plundered it, where they shared about three hundred pieces of eight a man in money and plate. In their return, they found in a storehouse about four hundred jars of wine, and ten thousand pounds of indigo, but meddled not with any thing but a little liquor, the seas running too high to carry off any heavy matter: After which they concluded to fall on another inland town called Pura, about ten leagues to leeward of Samia, and about the same distance in the country; and to that purpose, being informed by their pilot of the scarcity of water in the way, had fitted themselves with calabashes to carry every man's portion of water fit for the march; but they were descried by an Irishman, who was taken by the Spaniards as he was returning from Samia to the ships, who confessed the designs to the Spaniards, and never acquainted them with it, being let go again; but suffered them to proceed on it, and were going ashore in their canoes for Pura, where by chance they took a small barque, the master of which told them they were betrayed, and that town in arms; so they altered their purpose, and fell on a place called Payla, which they formerly burnt, where the said master told them were two ships, one with five hundred negroes, and the other with magazine goods and friars, and took the town and ships; but took not away above thirty-nine negroes and some goods for cloathing; where the examinant also, with thirty-eight more of their company, desired the said captain Davis to send them back again; on which the said captain Davis gave them two small barques to carry them back into the river Andriel; at the mouth of which river they left their barques and bought six canoes of the Indians, and embarked on them, having each of them a negro to carry their luggage over land; and, after six days spent in coming up the river, they arrived at the foot of the mountain above the Stockadoes, and from thence in two days march to a place called Matauze, being about eight leagues from

from the said mountain, where they all divided again into small parties; this examinant and five other Englishmen, viz. John Mitchell, William Ruyler, Samuel Leigh, Willam Nevil, and Robert Dawes, betaking themselves to canoes, being disturbed by a Spanish periagua sent thither on purpose to interrupt their passage, and so designed in their canoes for the Musquitoes; but off Point Blanco, about fifty leagues to windward of the Musquitoes, they met with a sloop, one Peter Courtney master, with whom they agreed to be put on shore at Sact-Tartudos, but the wind overblowing, and not able to beat up to windward, stood up for Jamaica, where they landed at Manatee-Bay to leeward of Port-Royal. And this examinant saith further, that he never saw captain Eaton, but was told that he went about by the East-Indies about six months before Swan left them; neither did he hear any more of the French that deserted them: That he left about two hundred and fifty men under the command of captain Davis, amongst whom was Peter Harris, with whom the examinant went over, who was related to Peter Harris that was formerly killed in those parts. The said captain Davis, at the coming away of the deponent, designed to make an attempt upon a place about seven leagues to the southward of Lima, after which it was resolved that he would fit his ship in order to return with such as would go with him through the streights of Magellane, when the rest have determined to return over land by way of Darien, for that it was the examinant's opinion that they will be all come away in less than four months from this time. And the examinant further saith, that they never settled in any island or fortified the same, as had been reported, and that he arrived here on Saturday night, being the 24th of July, 1686, and further saith not.

RICHARD ARNOLD.

*Sworn before the right honourable the governor,
the 4th August, 1686.*

D d 2

SAMUEL

SAMUEL BARRY'S PETITION TO THE KING.

The humble petition of Samuel Barry, an ancient inhabitant of your majesty's island of Jamaica.

SHEWETH,

THAT your petitioner hath lived under several governor's in the said island, and hath always behaved himself dutifully and loyally towards your majesty, and respectfully towards the several governors your majesty's royal brother hath been pleased to set over us; and, at the arrival of the present governor, was of the council: That, contrary to his instructions (as your petitioner is informed) the governor, without the consent of the council, hath suspended him the council, and hath brought an action of *scandal. magnatum* for a thousand pounds, to be tried before judges of his own choosing, and prevented your petitioner of the opportunity of appealing, which has forced your petitioner to leave the island, to prevent his utter ruin, as by the case hereunto annexed appears.

May it therefore please your majesty to direct the ancient judges to be restored, or such judges to be appointed as are men of known wisdom, integrity, and estates, as both know to do, and will do, equal justice, or otherwise to relieve your petitioner, as to your great wisdom, piety, and justice, shall seem meet.

And your petitioner shall ever pray, &c.

AN

AN ADDRESS OF THE COUNCIL AND ASSEMBLY
OF JAMAICA TO THE KING,
AFTER THE ARRIVAL OF THE DUKE OF ALBEMARLE.

TO THE KING'S MOST EXCELLENT MAJESTY.

*The humble address of the council and assembly of your majesty's island of
Jamaica, convened under his grace the duke of Albemarle.*

MOST GRACIOUS SOVEREIGN,

WE, your majesty's most dutiful subjects of this new world, warmed by the benign influence of your royal beams, from which no distance of place can seclude us, do, in all humble and grateful manner, acknowledge unto God and your majesty the many blessings we enjoy under the prosperous reign of so august a prince; and more especially do, with most dutiful and thankful hearts, acknowledge the continuance of that unparalleled blessing, the protection of the church of England, given us by your royal favour, at your happy accession to the crown, and also for the toleration and general indulgence of religion your majesty hath been pleased to grant the rest of our fellow subjects.

Royal sir,

We cannot conclude here, without further acknowledging unto your majesty the transcendant honour done to this infant colony, in appointing so illustrious a prince to govern us; from whose care and conduct, with the continuance of your majesty's favour towards us, we may justly hope for many advantages; promising on our parts, as we hereby do, never to be shaken in loyalty to your majesty, due obedience to his grace, and our hearty endeavours for the good and preservation of this your majesty's island; praying unto Almighty God for a long continuance of your happy reign over us, and that there may never be wanting of royal issue to sit upon your throne from generation to generation.—*Amen.*

AN

AN ADDRESS OF THE CATHOLICS IN JAMAICA,
TO THE DUKE OF ALBEMARLE.

To his grace, Christopher duke of Albemarle, lieutenant-general and general-governor of this his majesty's island of Jamaica, and territories thereon depending.

MAY IT PLEASE YOUR GRACE,

THE extraordinary benefits we have already received by your accession to the government, and that we have of future happiness under so auspicious an influence, oblige us, with the deepest sense of gratitude, to express and publish our acknowledgments, and beg your grace will be pleased favourably to receive these our hearty tenders of duty and affection, which as well on the behalf of ourselves as the rest of the catholics of this island, we humbly offer; and do therefore, illustrious prince, return you our unfeigned thanks for your repeated assurances of safety and protection to us, equal with the rest of his majesty's subjects under your government, unless the divine will, that directed his majesty to convey to us the blessings and satisfactions which the rest of his subjects enjoy at home, by virtue of his late declaration, through the person of so good and gracious a prince; as we are confident there never was more mercy, never more goodness and clemency, or more justness and compassion, contained in fewer expressions than is in his majesty's said late declaration for liberty of conscience, so we dare affirm, there never was choice made of a more apt and proper minister for the advancement and distribution of those royal attributes than your grace, to whom moderation and temperance, loyalty and constancy, virtues inherent to that memorable and princely stock from which you are descended, are so natural, that, in compliance with his majesty's pleasure and commands, you do but second your own inclinations; whereof, we being the proper objects here, have sufficiently tasted, and which gives us encouragement humbly to recommend ourselves to your grace's favourable representation of us to his majesty, with this assurance to our obedience and conformity to your grace's command and government, shall evidence both our loyalty to the king
and

and duty to his governor, which, with our daily prayers for the prosperous and long continuance of your grace's government over us in this island, concludes the signal testimony of our thoughts and intentions, and is subscribed by

Your grace's

Most obedient and humble servants,

THOMAS CHURCHILL, *Chief pastor of his majesty's catholic subjects of this island.*

JOHN JONES,
FRANCIS THOMAS,
REDMOND M'RAUGH,
WILLIAM LINWOOD,
BRYAN M'GRAH,
JAMES WATE,

JOHN STAPLETON,
GEORGE PIGOT,
EDWARD ANTHILL,
RICHARD MORTON,
WILLIAM WORLEY,
JAMES LISPENASS.

A SPEECH

A SPEECH OF ESQ. TO THE
DUKE OF ALBEMARLE,

ON HIS APPROVING THE
 ASSEMBLY'S CHOICE OF HIM FOR THEIR SPEAKER.

MAY IT PLEASE YOUR GRACE,

THAT you confirm the choice of the assembly in their speaker, I conclude the reason is, because your grace is willing to acquiesce in their opinion, rather than question their judgment. I should have hardly presumed to speak to your grace in this capacity, which I esteem as the greatest honour of my life, could I have convinced myself whether silence or an ill speech had been the more pardonable crime; for, in this case, my lord, it is not enough to say, *in magnis voluisse fit est.*

My Lord,

Amongst the multitude of favours conferred on us by his most sacred majesty, whose goodness, like the sun, extends to the utmost corners of his dominions, this last hath transcended them all, in permitting your grace to condescend to accept of this government, who could have no other inducement but what the famous Roman saith, that a great fortune can have nothing greater, nor a good nature nothing better, in itself, than to do good in abundance; and that no way can be better done than by establishing wholesome laws on a firm foundation; for those extend to our posterity, and your grace remembers, that your glorious predecessors are no less renowned for being good legislators than great warriors, for both which your grace is eminent at home and in foreign nations.

I should never forgive myself, should I omit to mention that great example of conjugal affection, your most noble consort, who, contemning the danger of the seas and the alteration of climates to accompany your grace, hath made it evident that God hath endued her with a soul equal

to that of illustrious birth and husband. It is an honour done by you both to us which the opulent kingdoms of Mexico and Peru could never arrive at, and even Columbus his ghost would be appeased for all the injuries he endured here from the severity of the Spaniards, could it but know that his own beloved soil was hallowed by such footsteps: but this, my lord, is too sublime a theme for me to expatiate on.

I shall not longer detain your grace, but hope you believe our hearts are full of loyalty to his majesty, duty to your grace, and studious for the welfare of this island.

I do therefore, in the name of these gentlemen, humbly beg the preservation of their privileges, freedom of debate, and accession to your person, as your more arduous affairs will admit; and in particular, my lord, your pardon of the errors of me their speaker, who wholly submits himself to your grace's clemency.

Ec

KING

KING WILLIAM'S INSTRUCTIONS TO THE EARL OF INCHICUIN.

WILLIAM REX,

*Instructions for our right trusty and right well-beloved cousin, William, earl of Inchiquin, our lieutenant and governor-general in and over our island of Jamaica, and other the territories depending thereon in America.
Given at our court at Whitehall, the 5th day of December, 1689, in the first year of our reign.*

WITH these our instructions you receive our commission, under our great seal of England, constituting you our lieutenant and governor-general in and over our island of Jamaica, and other our territories depending thereon in America; whereupon you are to fit yourself with all convenient speed, to repair to our said island; and, being arrived there, you are to take upon you the place and trust we have reposed in you, and forthwith to call together the members of our council in that island, viz.—Sir Francis Watfon, knight, Thomas Freeman, Thomas Ballard, Thomas Fuller, William Ivy, John White, James Walker, John Burdem, George Needham, Peter Beckford, Peter Heywood, Thomas Ryves, esqrs.

And you are, with due and usual solemnity, to cause our said commission, under our great seal of England, constituting you our lieutenant and governor-general as aforesaid, to be read and published at the said meeting; which being done, you are to administer unto each of the members of our said council, as well the oaths appointed by act of parliament to be taken, instead of the oaths of allegiance and supremacy, and the test, as an oath for the due execution of their places of trust; and also, as soon as conveniently may be after your arrival, you are to cause proclamation to be made in the several parts of our said island of your being commissioned by us our lieutenant and governor-general as aforesaid.

You

You are to communicate, from time to time, such and so many of our instructions to our said council, wherein their advice and consent is mentioned to be requisite, as likewise all such others as at any time you shall find convenient for our service to be imparted unto them. Our will and pleasure is, that the members of our said council shall and may have and enjoy freedom of debate and vote in all affairs of public concern; and, that we be always informed of the names of the persons fit to supply the vacancies that shall happen in our said council, you are to transmit unto us, and to the lords of our committee of trade and foreign plantations, the names and characters of twelve persons inhabitants of our said island, whom you shall esteem the best qualified for that trust; and so, from time to time, when any of them shall depart out of our said island or become otherwise unfit, you are to supply the first number of twelve persons by nominating others to us in their stead; and, in the choice of members of our said council, as also of the chief officers, judges, assistants, and justices, you are always to take care that they be men of good life and well affected to the government, of good estates and abilities, and not necessitous people and much in debt; and you are not to augment nor diminish the number of our said council, as it is hereby established, nor to suspend any of the present members thereof without good and sufficient cause; and, in case of suspension of any of them, you are forthwith to transmit unto us, and to our committee for trade and plantations, the reasons for your so doing, together with the charges and proofs against the said persons, and their answers thereunto; and you are to signify our pleasure to our said council, that if any of them shall hereafter absent themselves without leave from you, or from the commander-in-chief for the time being, first obtained, or remain absent for the space of two years, or the greater part of them, without leave given under our royal signature, their place or places in our said council shall immediately thereupon become void, and that we will forthwith take care that others be appointed in their stead; and you are, from time to time, to send us, and our said committee of trade and plantations, the names and qualities of any members by you put into the said council, by the first conveniency after your so doing.

You are to observe, in passing of laws, that the title of enacting the same by the governor, council, and assembly, be henceforth used, and no other.

And our will and pleasure is, that you transmit authentic copies, under

der the public seal, of all laws, statutes, and ordinances, that are now made and in force, or which shall be made and enacted within our said island, unto us and our commissioners for trade and foreign plantations, within three months, or sooner, after their being enacted, together with duplicates thereof by the next conveyance, upon pain of our highest displeasure, and of the forfeiture of that year's salary, wherein you shall, upon any pretence whatsoever, omit to send over the said laws and ordinances as aforesaid within the time above limited.

Our will and pleasure is, that no act or order be passed within that our island, in any case for levying money or imposing fines and penalties, whereby the same shall not be mentioned to be reserved to us, our heirs and successors, for the public use of that our island, and support of the government, as by the said act or order shall be directed.

And we do particularly require and command, that no money or value of money whatsoever be given or granted by any act or order of assembly to our chief-governor, lieutenant-governor, or commander-in-chief, of our said island, which shall not, according to the stile of acts of parliament in England, be mentioned to be given and granted unto us, with the humble desire of such assembly, that the same be applied to the use and behoof of such governor, lieutenant-governor or commander-in-chief, if we shall so think fit; or, if we should not approve of such gift or application of said money or value of money, it be then disposed of and appropriated to such other use as in the said act or order shall be mentioned; and that, from the time the same shall be raised, it remains in the hands of the receiver of that our island until our royal pleasure shall be known therein.

You are not to permit any clause to be inserted in any law for levying money or value of money, whereby the same shall not be accountable unto us here in England, or to our commissioners of our treasury, or our high treasurer for the time being.

And you are also to take care that fair books of accounts be duly kept, upon oath, of all the receipts and payments thereof, which shall be transmitted here half yearly or oftener, with duplicates thereof by the next conveyance, to the end that a due account may be rendered of the same, and of the right application thereof unto our said commissioners of our treasury, or our high treasurer for the time being.

Y^ors

You are not to suffer any public money whatsoever to be issued or disposed of otherwise than by warrant under your hand by and with the advice and consent of the council, and not otherwise ; but you may nevertheless permit the assembly, from time to time, to view and examine the accounts of all money, or value of money, disposed of by virtue of laws made by them ; which you are to signify unto them as there shall be occasion.

Our will and pleasure is, that all laws whatsoever for the good government of our said island be made indefinite, and without limitation of time, except the same be for a temporary end, which shall expire and have its full effect within a certain time ; and therefore you shall not re-enact any law which shall be enacted by you, except upon very urgent occasions, but in no case more than once, without our express consent.

Our further will and pleasure is, that you do not permit any act or order to pass in that our island, whereby the price or value of current money within the government may be altered, without our particular leave or order for the same ; and you are, upon your arrival in Jamaica, to consider what may be fit to be proposed unto us for the settling the current coin of that island.

And you are particularly not to pass any law, or to do any act by grant or otherwise, whereby our revenue may be lessened or impaired, without our especial leave or commands therein.

You shall not remove any fines or forfeitures whatsoever, above the sum of ten pounds, before or after sentence given, nor dispose of any escheats, until you shall first have signified unto us the nature of the offence, or occasion of such fines, forfeitures, or escheats, with the particular sum or value thereof, which you are to do with all speed unto our commissioners of our treasury, or high treasurer, for the time being, until you shall have received our directions therein ; but you may in the mean time suspend the payment of such fines and forfeitures.

You are to take the most effectual care for the discovery of our quit-rents, and for the making a perfect rent-roll of the same, by empowering our receiver-general to administer an oath to all such as he shall account with, what other lands they may have, either in their own right or in right of others, unaccounted for, or by such other means as you, with the advice aforesaid, shall think most conducing to this service.

In

In case any goods, money, or other estate, of pirates, or piratically taken, shall be brought in or found within our said island of Jamaica, or taken on board any ships or vessels, you are to cause the same to be seized and secured in the hands of our officers, until you shall have given us an account thereof, and received our pleasure concerning the disposal of the same.

You are to require the secretary of the island, or his deputy, for the time being, to furnish you with all such acts and public orders as shall be made from time to time, together with a copy or journal of the council, to the end the same may be transmitted unto us as above directed; which he is duly to perform, upon pain of incurring the forfeiture of his office.

You shall not displace any of the judges, justices, or other officers or ministers, within our said island, without good and sufficient cause signified unto us, and our committee for trade and plantations; and, to prevent arbitrary removal of judges and justices of the peace, you are not to express any limitation of time in the commissions which you are to grant, with the advice and consent of the council, to fit persons for those employments, nor shall you execute yourself, or by deputy, any of the said offices, nor suffer any person to execute any more offices than one by deputy.

You shall not erect any court or office of judicature, not before erected or established, nor dissolve any court or office already erected or established, without our especial order; and therefore you are to transmit unto us, with all convenient speed after your arrival, a particular account of all establishments of jurisdictions, courts, offices, and officers, powers, authorities, fees, and privileges, granted and settled within our said island, to the end you may receive our especial directions therein.

You are likewise, with the advice and consent of the council, to regulate all salaries and fees belonging to places, or paid upon emergencies, that they may be within the bounds of moderation, and that no other exaction be made on any occasion whatsoever.

We do thereby require and command, that no man's life, member, or freehold, or goods, be taken away or harmed under your government, but by established and known laws, not repugnant to, but as much as may be agreeable with, the laws of our kingdom of England.

You

You shall administer the oaths appointed by act of parliament to be taken instead of the oaths of allegiance and supremacy, and the test, to the members and officers of the council and assembly, all judges and justices, and all other persons that hold any office in that island by virtue of any patent under our great seal of England, or our seal of Jamaica.

You are to permit a liberty of conscience to all persons except papists, so they be contented with a peaceable and quiet enjoyment, not giving offence or scandal to the government.

You shall take care planters and christian servants be well and fitly provided with arms, and they enlisted under officers, and as often as shall be thought fit mustered and trained, whereby they may be in a better readiness for the defence of our said island and territories under your command.

And you are to use your utmost endeavours that each planter do keep such a number of white servants as by law is directed, and that they appear in arms at all such times as they shall be required.

And you are to take especial care that neither the frequency nor unreasonableness of remote marches, musters, and trainings, be an unnecessary impediment to the affairs of the planters.

You shall take an inventory of all arms, ammunition, and stores, remaining in any of our magazines or garrisons in our said island under your command, and send an account of them forthwith after your arrival, and forward yearly unto us and our committee for trade and plantations.

You shall likewise demand an account from our president and council how the arms, ammunition, and stores, sent from the office of our ordnance, in this our kingdom, or bought by any public money, have been employed; and whether any of them, and how many, have been sold, spent, lost, decayed, of and to whom and to what uses; and, for your better information therein, you shall herewith receive an account of what hath, since the month of December, 1676, been issued out or sent from the office of our ordnance.

And, that we may be the better informed of the trade of our said island,
you

You are to take especial care that due entries be made in all parts thereof, of all goods and commodities, their species and quantities, imported or exported, with the names, burthens, and guns, of all ships coming and going from the said island, which the naval officer is to furnish you withal; and you are to transmit the same unto us, or to our high treasurer or commissioner of our treasury for the time being, and to our committee for trade and plantations, quarterly, and duplicates thereof by the next conveyance.

You shall take especial care that God Almighty be devoutly and duly served throughout your government, the book of common prayer, as by law established, read each Sunday and holiday, and the blessed sacrament administered according to the rites of the church of England.

You shall be careful that the churches already built there, shall be well and orderly kept, and more built as the colony shall, by God's blessing, be improved; and that, besides a competent maintenance to the minister of each orthodox church, a convenient house be built at the common charge, for each minister, and a competent proportion of land assigned to him for glebe and exercise of his industry: and you are to take care that the parishes be limited and settled, as you shall find most convenient for the accomplishing of this good work.

Our will and pleasure is, that no minister be preferred by you to any ecclesiastical benefice, without a certificate from the right reverend father in God, the bishop of London, of his conforming to the doctrine and discipline of the church of England; and also, our pleasure is, that you give order forthwith, if the same be not already done, that every minister within your government be one of the vestry in his respective parish, and that no vestry be held without him, except in case of sickness, or that, after notice of a vestry summoned, he absent himself.

And you are to enquire whether there be any minister within your government that preaches and administers the sacrament in any orthodox church, without being in due orders, whereof you are to give an account to the said bishop of London; and you are to endeavour, with the assistance of the council, that good and sufficient stipends and allowances be made and ascertained unto the ministers of every parish within your government; and, to the end the ecclesiastical jurisdiction of the said
bishop

Bishop of London may take place in that our island, as far as conveniently may be, we do think fit that you give all countenance and encouragement, in the execution of the same, excepting only the collating to benefice, granting licences for marriages, and probate of wills, which we have reserved to you our governor, and the commander-in-chief for the time being; and we do further direct, that no schoolmaster be henceforward permitted to come from England and to keep school in that our island, without the licence of the said bishop of London; and that no other person, now being in Jamaica, or that shall come from other parts, be admitted to keep school without your licence first had; and you are to take especial care that a table of marriages, established by the canons of the church of England, be hung up in every orthodox church and duly observed; and you are to endeavour, to get a law passed in the assembly for the strict observation of the said table.

You are to suppress the engrossing of commodities, tending to the prejudice of that freedom which commerce and trade ought to have, and to settle such orders and regulations therein, with the advice of the council, as may be most acceptable to the generality of the inhabitants.

You are to give all due encouragement to merchants who shall bring trade unto our said island, or any way contribute to the advantage thereof, and especially to the royal African company of England; and, as we are willing to recommend unto the said company that the said island may have a constant and sufficient supply of merchantable negroes, at moderate rates, in money or commodities, so you are to take care that payment be duly made, and within a competent time, according to their agreement.

And we do hereby strictly charge and require you, that, upon due information exhibited before you, or any of our judges or courts of justice within your government, against any person or persons who have or shall be concerned in any interloping ship, or in any negroes or goods imported contrary to our charter granted to the royal African company, or against such as shall be aiding and assisting to any interloper or their accomplices, or shall in any manner whatsoever bring any negroes into any part of your government, or purchase any other than such as are imported and brought in by our royal African company, their factors or assigns, you do, in all such cases, take especial care that such contemners of our royal
F f
charter

charter and commands be severely punished, by fine, imprisonment, or such other penalties as the quality of their offence may require.

We do hereby command and enjoin you carefully to observe all the articles contained in the late treaty for the composing of differences, restraining of depredations, and the establishing of peace in America, concluded at Madrid the 18th of July, 1670, with the crown of Spain, an authentic copy whereof you shall herewith receive.

And in case any private injury or damage should happen or be done to any of our subjects in those parts, by any of the subjects of the king of Spain, or of any other prince or state in amity with us, you shall take care to give us an account thereof, with all convenient speed, by one of our principal secretary's of state, or the lords of our committee for trade and plantations, and not to permit or encourage reparation thereof to be sought by any other way than what is directed and agreed on by the said articles of Madrid or treaties.

And you are particularly not to grant commissions of war, or reprisals to any person whatsoever, against the subjects of any prince or state in amity with us, without our especial command.

Our will and pleasure is, that appeals be permitted to be made, in case of error, from the courts in Jamaica unto the governor and council in civil causes; at the hearing of which appeals any three or more of the judges of the supreme court are to be present, to inform and assist the court, provided the sum or value appealed for do exceed three hundred pounds sterling, and security be first duly given by the appellant to answer such charges as shall be awarded, in case the first sentence be affirmed; and if either party shall not rest satisfied with the judgment of the governor and council, that then they may appeal unto us in council, provided the sum or value so appealed for exceed five hundred pounds; and that such appeal be made within one fortnight after sentence, and good security be given by the appellant that they will effectually prosecute the same, and answer the condemnation, as also pay such costs and damages as shall be awarded by us, in case the sentence of our governor and council be affirmed, so as execution be not suspended by reason of any such appeal unto us.

You are also to permit appeals unto us in council, in all cases of fines imposed

imposed for misdemeanors, provided the fines so imposed amount to or exceed the value of two hundred pounds, the appellant first giving good security that he will effectually prosecute the same, and answer the condemnation, if the sentence by which such fine is imposed in Jamaica shall be affirmed.

You shall endeavour to get a law passed for the restraining of any inhuman severity, which by ill masters or overseers may be used towards their christian servants or other. And you are also, with the assistance of the council and assembly, to find out the best means to facilitate the conversion of negroes to the christian religion.

You are to recommend to the council and assembly the raising of stocks, and building of public workhouses in convenient places, for the employing of poor and indigent people.

And whereas we are informed that a donation, formerly made in St. Andrew's parish, in that our island, has been diverted from the intended use, our will and pleasure is, that you make enquiry concerning the same, and take care that the said donation be rightly applied.

You shall cause a survey to be taken of all the considerable landing places and harbours in the said island, and, with the advice of our said council, erect in any of them such fortifications as shall be necessary for the security and advantage of the said island, which shall be done at the public charge, not doubting the chearful concurrence of the inhabitants thereunto, for the common security and benefit they will receive thereby.

Whereas we are given to understand, that there are several offices within our said island, granted under the great seal of England, and that our service is very much prejudiced by reason of the absence of the patentees, and by their appointing deputies not fitly qualified to officiate in their stead, you are therefore, upon your arrival in Jamaica, to inspect the said offices, and to enquire into the capacity and behaviour of the persons now exercising them, and to report thereupon unto us, and to our committee of trade and plantations, what you think fit to be done or altered in relation thereunto; and you shall, upon misbehaviour of any of the said patentees, or their deputies, suspend them from the execution of their places, till you shall have represented the whole matter unto us,

and received our directions therein, appointing in the mean time fit persons to execute the said places; and you are to consider of a law like unto that in Ireland for absentees, that the inconveniencies arising thereby may be avoided.

You are likewise to propose an act to be passed in the assembly, whereby the creditors of persons becoming bankrupts in England, and having estates in Jamaica, may be relieved and satisfied for the debts owing to them. It having been represented unto us, by the petition of Thomas Daniel, master of the ship *St. Jago de la Victoria*, that the said ship, with all her lading, hath been seized and confiscated in Jamaica, upon pretence of having traded contrary to acts of trade and navigation, our will and pleasure is, that the petitioner be admitted to appeal from the sentence given in Jamaica, against the said ship and her lading, to our governor and commander-in-chief and council, who are to give judgment in the cause according to right; after which, if the petitioner shall desire to appeal from the judgment of our said governor or commander-in-chief and council, unto us and our privy council, you are to admit him thereunto: In which case, you are to give order that authentic copies of the records and proceedings in the said case be transmitted unto us, with such information as shall be taken therein, upon oath; and we, being further pleased to remit to the petitioner such part of the ship and lading as, by the schedule given in Jamaica, is accruing unto us, and we do hereby remit the same; you are to take care that the two other thirds of the lading, accruing to the governor and council, be secured in the hands of our receiver-general in Jamaica, until the determination of the said appeal; and, in the mean time, you are to cause the said ship to be delivered to the petitioner or his procurator or attorney, upon his giving security for the value of the two-third parts of the said ship, accruing to the governor and informer as aforesaid.

Whereas it has been represented unto us, that several of our subjects are kept in slavery, and barbarously used at Mexico, La Vera Cruz, and other parts of the Spanish West-Indies, you are, upon your arrival in Jamaica, to send to the governors of those places, and to demand of them such of our subjects as are detained there, and to use your utmost endeavours that they be set at liberty.

We do hereby authorise you to forbear, if you shall think fit, the taking

taking advantage of any penalty or forfeitures against any of the present planters or inhabitants of our said island, for not manuring or planting of their lands, according to the time heretofore limited or appointed them from the same, until you shall have represented the true state of that affair unto us, by one of our principal secretary's of state, or the lords of our committee for trade and foreign plantations; which you are accordingly to do, with all speed, in order to receive our further commands and directions therein.

Our will and pleasure is, that all servants that shall come or be transported to our said island, shall serve their respective masters for the term of four years, from the time of their landing, and every person that shall transport or carry servants thither shall, for every person so carried or transported, have set out to him, upon the landing and employment of the said servant, thirty acres of land; to have and to hold, unto him the said master his heirs and assigns, for ever; and the said servants shall, at the end of the said term, have thirty acres of land set out and assigned to every of them respectively, to have and to hold to them and every of them their heirs and assigns for ever.

Our will and pleasure is, that you take unto yourself, as governor, two thousand pounds sterling *per annum*, out of the revenue arising within our said island of Jamaica, from the day of your arrival, and during your residence there; as also what shall be due to you out of the said revenue, after the rate of one thousand pounds *per annum*, from the date of your commission, to the day of your arrival; and that you cause to be paid to our trusty and well-beloved sir Francis Watson, knight, if the same be not already done, such sums as hath been due or accrued to him as president of the council, after the rate of five hundred pounds *per annum*, from the day of the death of the duke of Albemarle to the day of your arrival in Jamaica; and that you cause to be paid out of the said revenue, unto the chief-justice, one hundred and twenty pounds *per annum*, and to the other judges, as also to the marshal; and clerks of the assembly, and other officers, the several allowances belonging unto them: To the captain that commands the fort there, six shillings *per diem*, and to the gunners matroles what has been formerly paid.

And we do further direct you, upon your arrival in that our island, to enquire

enquire into and examine the behaviour of the said sir Francis Watſon, from the time of his taking upon him the preſidentſhip of the council, in order to the ſignification of our pleaſure, whether the further ſum of five hundred pounds *per annum*, from the death of the ſaid duke of Albermarle, ſhall be allowed to him, in conſideration of his ſervice, of our royal bounty.

And whereas we are willing, in the beſt manner, to provide for the ſupport of our government of Jamaica, by ſetting apart ſufficient allowances to ſuch as ſhall be our general or commander-in-chief, reſiding for the time being within the ſame; our will and pleaſure is, that, when it ſhall happen that you ſhall be abſent from that our iſland, one full moiety of your ſalary, and of all perquiſites and emoluments whatſoever, which otherwiſe become due unto you, ſhall, during your abſence, be paid and ſatiſfied unto ſuch governor and commander-in-chief who ſhall be reſident upon the place for the time being; which we do hereby allot unto him, for his better maintenance, and for the ſupport of the dignity of that our government.

And whereas great prejudice may happen to our ſervice, by the abſence of our governor or commander-in-chief, without ſufficient cauſe and eſpecial leave from us; for prevention thereof, you are not, upon any pretence whatſoever, to come into England from your government, without having obtained leave for ſo doing from us, under our ſignet and ſign manual, or by order in our privy council: but we do nevertheless hereby permit you, in caſe of ſickneſs, to go to any of our plantations in America for the recovery of your health.

We do hereby empower you to conſent to a law for the raiſing of money, in order to the better carrying on the ſolicitation of the public affairs in England, provided that ſuch levy do not exceed three hundred pounds ſterling yearly; but, in caſe you ſhall not think fit to agree to ſuch law, our pleaſure is, that then the perſons deſiring the ſame may be permitted to make voluntary contributions for diſcharging the expences of their ſolicitations, provided ſuch contributions do not exceed three hundred pounds ſterling *per annum*.

And we do likewiſe think fit, that, when any complaint ſhall be intended againſt you, notice be immediately given you thereof by the complainant,

complainant, with the charge against you in writing, to the end you may make timely preparation for your defence.

In case of any distress of any of our plantations, you shall, upon application of the respective governor thereof unto you, assist them with what aid the condition and safety of our island under your government can spare.

Lastly, if any thing should happen that may be of advantage and security to the said island, and the other territories depending thereon, which is not herein or by our commission provided for, we do hereby allow unto you, with the advice and consent of the council, to take order for the present therein, giving us, by one of our principal secretary's of state, and our committee for trade and foreign plantations, speedy notice, that so you may receive our confirmation, if we shall approve the same; provided always, that you do not, by colour of any power or authority, hereby given you, commence and declare war without our knowledge and particular commands.

By his majesty's command,

SHREWSBURY.

AN

AN ADDRESS OF THE GRAND JURY OF JAMAICA TO THE KING.

MAY IT PLEASE YOUR MAJESTY,

WE, the first grand jury at St. Jago de la Vega, this last Tuesday in November, 1690, for the body of this your majesty's island of Jamaica, in America, since your majesty's happy accession to the throne, cannot forbear rendering our humble thanks to Almighty God for his inestimable goodness and mercy, in that when, according to the weakness of our human understanding, all hopes of enjoying any longer our religion, laws, and liberties, were taken from us, he was pleased, in our utmost distress, to shew his miraculous power in raising your majesty to be the glorious instrument of our deliverance from that Philistine bondage, which had extended itself into these the remotest of your majesty's dominions; so that the laws of your majesty's kingdom of England, and this island, which should have been our swords and spears for the defence of our natural rights and privileges, were not to be found amongst us; but our task-masters, with an absolute arbitrary power, attended with a tyrannical oppression of all that durst adventure to be honest, in order to complete our ruin, would not allow us our freedom of electing our representatives to make laws, but were resolved themselves to be smiths to forge them.

Under these circumstances, we might still have lain, had not your majesty, in your great wisdom, sent his excellency, the earl of Inchiquin, for our governor, who hath already, by his great experience, made so large a progress in settling our affairs, that we doubt not but he will in a short time accomplish what is so happily begun.

The consideration of the removal of all these afflictions, which, next to the divine providence, we must acknowledge to be due to the extraordinary courage and admirable conduct wherewith God hath inspired your majesty, forceth from the bottom of our hearts an humble congratulation of your majesty's successes at home, unfeigned thanks for your majesty's extraordinary care of these your dominions abroad, and incessant prayers to the Almighty for the ever continuance and increase of your majesty's prosperity and glory; not doubting that, as our Saviour hath made you his great apostle for restoring his church in this age, he will enable you to establish it upon him, the rock that neither the pope, with anti-christian principles, nor his disciples, with their subtle delusions, shall ever impudently endeavour to prevail against it.

AN

AN ADDRESS OF THE GRAND JURY OF JAMAICA TO THE GOVERNOR.

MAY IT PLEASE YOUR EXCELLENCY,

WE, the grand jury for the body of this their majesty's island, being thoroughly sensible of their majesties special favour and high wisdom, in selecting your excellency as a physician, every way sufficient for the extraordinary distempers of this late miserable, but now happy, island, have thought ourselves obliged humbly and thankfully to acknowledge the progress your excellency has already made, towards fixing us in lasting foundations of peace and justice; and, where the administration is entirely just and happy, we may have leave to instance, we gratefully own your excellency's goodness and care in removing from the seats of justice the late arbitrary instruments of our oppression, as well as filling them with magistrates which now at last will only be a terror to the evil; and we are confident that the remaining precincts of this island, which, by reason of the great variety and intricacy of their affairs, could not by your excellency (that is not by the greatest application imaginable) be yet supplied, with affairs civil and military, will, in due time, join with us in an harmonious applause of your excellency's conduct and good government.

CB

A SPEECH

A SPEECH OF THE EARL OF INCHQUIN TO THE
ASSEMBLY OF JAMAICA.

GENTLEMEN,

SINCE the king was pleased to honour me with the trust of this government, I thought it my duty to use my utmost endeavours in the promoting of his service, and the interest of his subjects here, which I take to be inseparable; therefore, finding at my arrival that, through the want of a due exercise of the law, and that, by the practice of some turbulent spirits, you were in some distractions, I applied myself as early as I could to the repairing of the breaches they had caused, and which laid you open to all the evils that could happen to a place and people for whom I know the king has a great value, and whose service and real advantages shall be the chiefest of my study.

The first of those breaches was repaired by the law being restored to its due course, as soon as it could be; in the others, I have laboured as much as in me lay, but what progress I have made in it, will be best known among yourselves; I hope it wont appear to be inconsiderable, by letting the world see you lay aside all private piques and animosities, to promote the public and general good of the island.

I had not been here many days, when I found you had such degenerate neighbours as might reasonably give apprehensions of ruin and destruction to the settlements near the sea-side, and that you know affects the whole; but, when I think of giving them the protection they ought to have, I find a treasury exhausted, and a government greatly incumbered with debts, insomuch that it now lies under the greatest exigency that can be imagined; some instances you have of it, by these walls I receive you in, amongst many other things which shall be offered to you in due time.

But, gentlemen, since, for your own preservation, the general welfare, as well as the honour of the island, and their majesties immediate service, no cure can be had but from you in this distemper, I will make no doubt of your taking those measures by which one may effectually be wrought, especially when you consider the difference between your condition, and that of their majesties subjects in other parts. Besides a great deal

deal of blood that has been shed in and about England, there has been the vastest expences of treasure that ever were heard of in that nation: Scotland almost ruined by rebellions and distractions, arising from difference of opinions: the deplorable condition of Ireland I need not tell you of: New England at great expences in the late expedition, and in great danger from their ill neighbours: New York not long since under great oppression by the usurpation of the government: in Maryland and Virginia, rising and differences between the governors and the people, to the great disquiet of both, and the uneasiness of the government at home: and what have not the inhabitants of St. Christophers and the other islands suffered? Many of these are now wandering and seeking for new places of abode, whilst you sit under your own vines, and reap the fruits of your labour, without any considerable disturbance. Do you do what shall be requisite on your part, and nothing shall be wanting on mine that can contribute to it.

Gentlemen, I am commanded by the king to offer and recommend to your consideration the making an act, whereby the creditors of persons becoming bankrupts in England, and having estates in this island, may be relieved, and the debts satisfied out of the same; and, likewise, that, for the better management of public affairs of this island, a law be passed for raising of three hundred pounds *per annum* for the solicitation of the same in England. The last is essentially necessary, that the public affairs may suffer very much by the want of it; therefore, for your own sakes, I will hope for your concurrence in it, in the same manner as it has been formerly allowed of.

Gentlemen, some grievances that you have lain under have been removed since my coming among you; if any yet remain, you shall find me as ready, as far as in my power lies, to consent to such laws as you shall propose for the redressing them, as you can be to ask it; for I know the king intends you all the kindness you can reasonably desire, and therefore I hope you will, and must command that you carry yourselves toward him in your debates, as well as upon all other occasions, with all the duty and respect that is owing to a prince, whose piety, wisdom, and valour, has redeemed our religion and our liberties, by breaking the measures of them who designed the ruin of both.

These, gentlemen, in my judgment, are the ways for you to become a happy people, and whenever you are so, I shall think myself a happy governor among you.

A SPEECH OF THE EARL OF INCHQUIN

TO THE

ASSEMBLY OF JAMAICA, AT THEIR DISSOLUTION.

GENTLEMEN,

THE chief ends of my calling you together were, that you might take due measures for your own preservation in this troublesome time of war, and the indemnifying of the inhabitants of this island, who have suffered by the invasions of the enemy, which you are bound to do by your own laws; and to lay before you the exigency of the government, in hopes you would have taken it so far into your consideration as to have enabled me to do something for your protection, and towards the discharging of near eight thousand pounds debt, incurred upon that account, most of it before my coming to the island, and some since: You have indeed passed a bill for raising four thousand seven hundred and eighty odd pounds, towards the maintaining of a sloop, and repairing the losses of the sufferers; but, as it were in the same breath, you vote and pass a bill in a matter the king had taken into his consideration, which I take to be a great disrespect to him; that it entirely takes away his revenue, there not being any mention made, that I can hear of, in seven or eight weeks time that you have sat, for what was granted to the crown by the one and twenty years bill, or of any equivalent for it; only I understand, by a message I sometime since received from you, that you had once read and passed a bill for raising a duty of forty shillings *per* head on negroes exported, and something upon wine imported. The first is absolutely repugnant to the commands I have received from the king, and, should it pass, would, in my judgment, be highly prejudicial to the kingdom of England and this island, it being the greatest blow that can be given to trade, which is the life of this place, and I am bound to encourage and protect, and will do it. And now you send me a message to desire the expediting of two bills, the one tending to the destruction of the government, the other to the affronting of me, neither of which, in my opinion, require so much haste as that for the relieving of the poor sufferers, and the preventing others from falling under the same calamities; but that bill,

bill, it seems, you think fit to lay aside till you see what I will do with the others, though yesterday I sent you a message to press the expediting of it, which you vouchsafed to answer only with another message. This is such a way of proceeding, that I cannot, in behalf of the king, of the government, all traders, and the generality of the planters, (who I have a very good opinion of), but highly resent. You may stand in need of that justice and charity, which you have, by these measures, withheld from your poor neighbours; but that God, which is a God of justice as well as mercy, will avenge the cause of the poor on them and theirs who have been the oppressors of them.

When I came to this island, I found a flame kindled among you, which I took some pains to quench, and had in a great measure done it; but, since your meeting, I find some turbulent spirits have added new fuel; therefore, to prevent the increase of a fire that may be fatal to the island, though you have a speaker and several others among you I highly esteem, and am persuaded of their being very well affected to the government; since I cannot say so much of the major part of you, I think it necessary, in the king's and queen's names, to dissolve you, and you are hereby accordingly dissolved.

But now I have further to say to you, gentlemen, that, since you did not think it fitting to make a congratulatory address to so gracious a king as you have, it is not fit for me to receive one from you; therefore, there's your address again.

And it was thrown at them with some contempt.

July 30, 1691.

AN

AN ADDRESS OF THE
PRESIDENT AND COUNCIL OF JAMAICA,
TO THE KING AND QUEEN.

To their most excellent and most sacred majesties king William and queen Mary, by the grace of God, of England, Scotland, France, and Ireland, king and queen, of Jamaica, in America, lord and lady, defenders of the faith, &c.

THE HUMBLE ADDRESS OF YOUR MAJESTY'S PRESIDENT, AND THE REST
OF YOUR MAJESTY'S COUNCIL, OF JAMAICA AFORESAID.

Most dread sovereigns,

SINCE, by the death of your majesty's late governor, and want of a commander-in-chief of your majesty's island aforesaid, and the especial trust and confidence your majesties have been pleased to repose in us, the government thereof is now devolved on us, your majesties most humble, loyal, and obedient, subjects; we, therefore, in the deepest contemplation of your majesties most transcendant goodness towards all your majesties subjects, and the many great and marvellous things your majesties have not only attempted, but brought to pass for us, and more especially of your majesties princely care and particular providence of this place, most humbly beseech your majesties, instead of what we owe, but can never perform, graciously to accept of what we can and are willing and ready to do, which is the laying down our lives and fortunes at your sacred majesties feet, in defence of your majesties royal persons, prerogative, government, and succession, as by law established, as the best means to make your majesties great and ourselves happy.

Most gracious sovereigns,

We have great reason to fear, that we unhappily labour under your majesties most gracious displeasure, through the endeavours of the last assembly, as they represented the communion of the island, to repeal and annul the laws made in the late despotic reign and government; but most humbly hope, and heartily implore your majesties, that no mistaken methods or unsuccessful measures may eclipse and darken the royal beams of your majesties most gracious favours, which have hitherto shone so illustriously

riously in this our western hemisphere; and, since it appears to the world to be your majesties royal opinion in your majesties most princely declaration, at your majesties most happy arrival, that it is most certain and evident to all men, that the public peace and happiness of any state or kingdom cannot be preserved where the laws, liberties, and customs, established by the lawful authority in it, are openly transgressed and annulled; more especially where the alteration of religion is endeavoured, and a religion which is contrary to law is endeavoured to be introduced; and that it cannot be pretended that any kings ever reckoned it a crime for their subjects to come in all submission and respect, and in due number, not exceeding the limits of the law, and represent to them the reasons that made it impossible for them to obey their orders; and that your majesties, in further confirmation thereof, in the first year in your august reign, have been graciously pleased to pass it into a law, that it is the right of the subject to petition the king; and elections of members of parliament ought to be free, and excessive bail ought not to be required, nor excessive fines imposed, nor cruel punishments inflicted; and that jurors ought to be duly impanelled and returned; we, in all humility, most humbly presume ourselves within the bounds of your majesties royal grace, favour, and protection, and in the most humblewise, in behalf of ourselves and the rest of your majesties subjects belonging to this your majesties island, with all manner of submission, duty, and respect, most humbly beg leave to lay before your majesties how much and wherein our laws, liberties, and customs, have been transgressed and annulled, and a religion contrary to law endeavoured to be introduced amongst us, and why we cannot with due cheerfulness submit to their laws; and most humbly beseech your majesties, whom it hath pleased God to make the glorious instrument of our deliverance from popery and arbitrary power, that your majesties will be graciously pleased to favour us with an hearing before your majesties in council against the unfree elections and proceedings of that assembly, in that your majesties will in no otherwise perfect our deliverance, so far advanced by your majesties, by annulling those laws, than the real truth of the violation of the freedom of our elections and the often transgressing and annulling our laws, liberties, and customs, and the introduction of religion, which was contrary to law was endeavoured on us, shall be fully proved and made appear before your most gracious majesties in council.

And, according to our duty and interest, we shall always pray for your majesties long and prosperous reign over us.

April 28, 1692.

INSTRUCTIONS

INSTRUCTIONS TO Mr. HEATHCOTE, &c.

FROM THE

COUNCIL AND ASSEMBLY OF JAMAICA.

SIRS,

THE general satisfaction this island hath received of you, by your generous soliciting our affairs at court, hath encouraged us to desire the continuance of your endeavours in the like nature for the future, in which you have already so exceedingly satisfied and obliged us.

You will herewith receive the copy of an act, which their majesties have been graciously pleased to promise their royal assent unto, entitled, *An act for soliciting the affairs of this island in England*, in the body of which, by the unanimous consent of us, the council and assembly of Jamaica, you have been chosen, and therein named, to be our solicitor at the court for obtaining, from time to time, such matters as shall occur for the benefit of this island in general.

And it is our request to you at present, that you solicit the confirming such laws as are herewith sent you, passed here by their majesty's lieutenant-governor, the right honourable sir William Beeston, and such others as shall be hereafter transmitted unto you.

That you endeavour to prevent the confirming of the laws passed here in the government of the late duke of Albemarle.

That, in the best manner you can, you will please to present our addresses to their majesties.

That, as much as in you lies, you will encourage a trade for Scotland, that we may have white people from thence, as also cloathing and provisions necessary for them, and also a trade with Wales may be obtained for white people, provisions, and liquors.

That

That you use such measures, as to you shall seem expedient, for the sending us servants and freemen, especially tradesmen, and remind their majesties of one hundred men the king was pleased to promise sir William Beeston, upon his coming to this government.

And that you send copies for the encouraging the importation of white people into all countries that you shall think servants and others may be obtained from, whether home-bred or foreigners.

That you endeavour to procure as many merchant-men yearly as possibly you can, whereby the product of this island may be better remitted home, for the encouragement and increase of their majesties customs, and the planting interest of this island.

That you get two or three small light frigates, that can go into shoal water, and can follow the enemies *barqua luengos*, to cruize to and from the island, to prevent the many depredations and robberies daily committed about the coasts of this island; and that the commissioners of the navy send timely supplies of provisions, ammunition, and stores, for the frigates and fortifications; and that there be also supplies of men for the frigates, seafaring men running away, and some dying; and to lay before the commissioners the great inconveniencies of pressing out of merchant-men abroad, by which means many are laid up and lost.

That what frigates are sent hither may be under the direction and command of the governor residing here, and no other person in America, otherwise their majesties service will be obstructed for want of a good correspondence and fit directions.

That you endeavour to prevent the passing again the additional act upon sugars, if the parliament should have thoughts of reviving that, or any other of the like nature.

That you oppose the contrivance of the royal company's planting of indigo at Gambo, and those coasts; which, if it should obtain, would prove much to the discouragement of this island in planting, trade, and shipping; and that, if the company's patent be confirmed, you solicit their majesties that they send hither yearly three thousand negroes, to be sold to the planters of the country, before the Spaniards be supplied with

H h

any,

any, the assiento now picking out all the choice negroes that are imported, and leaving to the planters only the refuse, which must of necessity ruin them and dispeople the country.

That you solicit the parliament to hinder the seizure of any ship or vessel that shall bring from Scotland or Ireland any commodities, though prohibited in the acts of navigation and trade, as cloathing, candles, &c.

That you discover to the lords the great dishonour done to their majesties, and the inconveniencies that happen to the rest of their majesties plantations, by New England, New-York, Carolina, Providence, &c. entertaining and encouraging pirates; whereby all profligate fellows flock thither, to be encouraged and fitted out for the Red and South Seas, where they daily commit piracies and murders; and, although an act has passed here to pardon debtors, and some sort of offenders, yet treason and murder is therein excepted.

That you also get some settled order to be made by the navy board, the better to secure the payment of the bills charged hence for the fitting, provisions, and careening, their majesties ships of war; else nobody will furnish them, and the ships will be unserviceable.

And humbly to put their majesties in mind of one thousand pounds the king was pleased to promise our governor towards the reparation and building their majesties forts here, we having already almost expended our all for the security and defence of this island.

We send you these heads, as general instructions for you, to solicit for this island, and pray to note private and peculiar complaints be solicited for or against any private or particular persons of this island, but that all solicitations be made in their proper places for the public good of this island.

And, that there may never want a supply of able and proper persons to solicit our public affairs in England, we have agreed here, that yourselves, whom you believe to be most proper in case of the death, absence, or refusal, of either or any one of you, shall choose such others as may be fitting and proper for such solicitations.

And, upon any emergent occasions that may happen here, and where ~~these~~

these instructions do not fully direct you, we desire you to follow such as shall be given by the honourable Samuel Bernard and Nicolas Low, James Bradshaw, William Hutchinsof, Thomas Clarke, James Banister, and Modyford Freeman, esquires.

We pray you to represent to their lordships of the committee of trade and plantations, how detrimental it will be to their majesties and their subjects to make any new settlements in any part whatsoever, when those already settled are too large for the people, whereby every place becomes so weak that they may become a prey to the enemy.

That you take care, as much as in you lies, so to prevail with their lordships that our council may not be made more numerous than hitherto has been, our people being decreased; and, if it should be done notwithstanding, you make it your endeavour that no less than half the number be a quorum.

Passed the council,

ANDREW LANGLE, *Speaker.*

EDWARD BROUGHTON, *Clerk to Council.*

A SHORT ACCOUNT OF THE
 AFFAIRS OF JAMAICA,
 IN RELATION TO THE ASSEMBLY
 CALLED BY THE
 DUKE OF ALBEMARLE, IN 1688;

WITH REASONS WHY THE LAWS MADE BY THAT ASSEMBLY SHOULD
 NOT PASS.

THE late duke of Albemarle, at his first arrival in Jamaica, called an assembly, which was duly elected; but Needham, one of his advisers, having and truly charged words spoken in the assembly by one of the members, *viz. Salus populi suprema lex*, and the said assembly justifying and protecting the said member, they were dissolved, and that member was taken into custody, and forced to enter into four thousand pounds recognizance, and was afterwards indicted and fined six hundred pounds for the said words; whereas his present majesty, being informed, was pleased to vacate that unjust sentence. After the dissolution of the said assembly, the judges and most of the principal officers in the said island, were displaced, without any cause assigned; and particularly the provost-marshal, whose office is to make all the returns for the assembly, and one Waite an indigent person put in his place; one father Churchill, a Romish priest, being a busy man in these regulations: and colonel Moleworth was forced to give a hundred thousand pounds security to appear and render himself in England, wherein seven of the principal inhabitants were bound, who thereby became obnoxious to the duke and his advisers; but that bond was afterwards vacated by the late king.

That a new assembly was called by the duke, and the freedom of the election for members to serve in the said assembly was then violated, by making troopers, servants, seamen, and disinterested persons, freeholders, and carrying them from place to place to vote, and putting the names of several persons to papers of elections, and by imprisoning divers considerable

derable gentlemen, upon pretence of a riot at an election ; imposing fines on them to the value of two thousand two hundred and forty pounds, imprisoning and threatening to whip two gentlemen, viz. Mr. Glosse and Antill, only for moving for a *habeas corpus* for their friends, when they were committed ; and making doctor Rose give ten thousand pounds security, only for words spoken concerning the election, and of the new chief-justice telling the people in open court they should be ruled with rods of iron, which caused many of the best and ablest by these grievous oppressions, to get privately from thence to England, to seek protection there, the people were frightened.

The new made provost-marshal made such returns of members of the assembly as he pleased, and by indirect means, those that were the fittest to serve the king and country in the assembly, and such as the true electors had and would have, were kept out.

This assembly made several laws, which were sent to England to be confirmed by king James, and father Churchill came over there as solicitor ; but that king having withdrawn himself, father Churchill durst not appear. Yet these laws were presented to his present majesty by another person, against the passing whereof all persons concerned in Jamaica were heard by the counsel learned in the law before his majesty, who, as they understood, was graciously pleased to remit the consideration of the said laws, and the illegality of the said assembly, to the next assembly in the said island ; and several of the wealthiest inhabitants, with a great many witnesses, who came from Jamaica, did return thither.

That the late king James and his present majesty, being informed and made sensible of the said irregularities and oppressions, were pleased to restore the judges and all the principal officers to their respective places wherein they were, when the duke of Albemarle arrived at Jamaica, and remitted the unreasonable fines imposed touching the matters aforesaid.

That, upon the lord Inchiquin's arrival, another assembly was called and duly elected, whose first business was to draw up and present to the said lord Inchiquin, as governor, a bill to the laws made by the above mentioned duke of Albemarle's assembly.

By all which it fully appears, that it is unanimously desired by all the people, of and concerned in Jamaica, that the said laws should not
And

And they, having joyfully beheld his majesty's glorious undertaking, and happy success in the restoration of these kingdoms to their ancient right, and in particular to the important affair as to the freedom of elections, they do humbly hope his majesty will be graciously pleased to hear their petition, and not to pass the said laws, or at least suspend the same, until the petitioners can have the depositions of their witnesses from Jamaica, to which place they returned since the petitioners first application against the said assembly and laws.

IN

**A N A D D R E S S O F T H E
C O U N C I L A N D A S S E M B L Y O F J A M A I C A,
T O T H E K I N G A N D Q U E E N.**

To the king and queen's most excellent majesties, William and Mary, by the grace of God, of England, Scotland, France, and Ireland, king and queen, and of Jamaica lord and lady, defenders of the faith, &c.

**THE HUMBLE ADDRESS OF THE COUNCIL AND ASSEMBLY OF THE
ISLAND OF JAMAICA.**

May it please your majesties,

THE great and dreadful calamities this island has of late suffered under, had obliged us to seek a new habitation, had we been subjects to any but your majesties, to whom, under God, the greatest part of Christendom owes its present prosperity.

Sir,

It has pleased God to make your illustrious ancestors, whose virtues are so complicated in your single person, the instruments of his grace and favour to the nation in which they lived, to deliver them from tyranny and oppression, and to procure to them peace and plenty.

And we have seen three kingdoms rescued by your majesty, at a time when there was no ground to hope for human assistance; and one of them, whose miseries have been equal to our own, though not brought to pass by the same means, restored to a firm peace, and in all likelihood of flourishing as well as ever.

This gave us the assurance, that, when it pleased God to stay his hand from punishing, yours would be applied to healing, and that this island, of so great concernment to your majesty, would quickly revive under your royal influence.

Not

Nor were we in the least mistaken, since it was your first care to send us a governor, who, by the share he has had of our sufferings, is rendered the fittest person to effect the recovery of our misfortunes.

For this your grace and favour, and the seasonable supply of ships, arms, and ammunition, we most humbly prostrate ourselves before your majesties, and shall, by our future behaviour, endeavour to evidence to the world our sense of your majesties goodness, and our happiness under your auspicious government, which we beseech the Almighty to continue long over us, and grant that such success may always attend your arms, as are due to so just a cause as he has been pleased to engage you in.

A NARRATIVE

A NARRATIVE BY SIR WILLIAM BEESTON,
OF THE
DESCENT ON JAMAICA BY THE FRENCH.

A Brief account of what happened in their majesties island of Jamaica, during the time the French were preparing to attack that island, and remained upon and about it in 1694; in which I shall be obliged to make some short digressions, because I shall have occasion, in this relation, to mention some persons, without which all things will not otherwise be so well understood.

Privateering having been for some years past discountenanced in this island, and encouraged amongst the French at Hispaniola, many of our people, who cared not to lead any other sort of lives, went over to them, and by times became their people; others, some Roman catholics by religion, some of the Irish nation, some much inclined to think they were obliged that way to serve king James, and others through dissatisfaction, and being in debt, ran away to them; by which means they were strengthened, and we were weakened.

The chief of these rogues was one Grubbin, who was born here of English parents, and who, knowing all parts of the island, has done much mischief, by landing in the night upon lone settlements, near the sea, and robbing them of all they had, and away again before any notice could be given for any strength to come against him.

Stapleton and Lynch, two Irishmen, who have, since my coming hither, proved very inveterate; the first came from the windward islands, and brought his wife and children, and was kindly received about Port-Morant; the other, I guess, came in a sloop for a spy to him. I tendered the oaths, but he refused them, and got out of the way before I could have him apprehended; after him I sent warrants all over the island, but major Kelly found a way to send them off in a sloop, that he pretended was to go to Curraçoa to get sailors (whither many of our seamen had resorted, because they would not be pressed into their majesties ships) for a
great

great Dutch ship he had brought here, and probably that was part of his design; but he put in the sloop about a thousand two hundred pounds worth of indigo, and sent it privately, contrary to the act of navigation. And, about this time, he was killed alone by the French, who had landed a party at Cocoa-Bay, to plunder thereabouts, as he was riding up to Port-Morant to dispatch this sloop. Soon after the sloop sailed, and these two in her, who, in requittal to him for his kindness, ran away with the sloop and all the indigo to the French; and there these men, as I have been since informed, told monsieur Ducafs, the governor, that this island was easily taken; the fortifications at Port-Royal were out of order, and few men there, so that two hundred men would take that place, and two hundred more would march in any part of the country, the people were so thin and so little used to arms; and Stapleton wrote to his wife, who he had lodged near the sea, in St. Thomas's parish, to that end, that he would come and fetch her and some company, meaning negroes, with her; and other discoveries he made therein, but by chance the letter came to my hand, and I secured his wife, for she was their majesties liege subject.

Some time in April, one captain Elliot, whom I shall have occasion to mention, was sent in the Pembroke sloop, with a cargo of eight or ten thousand pounds, to trade upon the coasts of Carthagen and Porto-Bello; and there, in a bay, was taken by two French privateers, and carried to Petit Goave.

About the same time, with much ado, I had got the Falcon manned, and, to keep off the small privateers that landed often in several places of the out-ports, where the settlements were thin, and did much mischief to the people, I gave orders to captain Bryan, the commander, to cruise about seven or eight leagues to the windward of this island, to prevent them what he could from coming down upon us; which he performed with great diligence, and made two or three cruises there; but, about the middle of April, met with six privateers, who had aboard them five hundred men, who were designed to land at St. Thomas's and St. David's, and to rob those parishes: Towards these the Falcon made sail; on which, as we heard after major Beauregard, who commanded, called a council of war, and would have fought the Falcon, but the captains of the privateers refused, and said at best they should get only broken bones, and spoil their men for any other design; on which they all ran and out-sailed the Falcon; but there was with them a ship that they had taken the day before,

fore, that was bound hither from New England with provisions, she the Falcon out-failed, and took and brought her presently in with the men; but I, fearing those privateers might get together again, and prosecute their design, got the Falcon wood, water, provisions, and some more men, and sent her out again in forty-eight hours, to cruise in the same pass; whither she went accordingly. At this very juncture, arrived at Petit Goave from France some merchant ships, and three large men of war of fifty and fifty-four guns. The governor being told by the privateers where the Falcon lay, these ships were presently sent out, and with them another smaller of twelve guns to take her; and, as it afterwards appeared, soon met her, fought her, and were too many for her. But all our men of war sloops belonging to the island had been on the coast of Hispaniola, and there on the shore accidentally met with Grubbin's wife, a Frenchwoman he had married there: they would have left her there where they found her, but she earnestly desired to go with them, and be quit of her husband, because, as she said, he used her very ill; therefore, by her desire, they brought her hither, from whence, being a Frenchwoman, I would have sent her again, but she earnestly desired to stay and to have protection; and as it was a stated agreement between Ducafs and myself, that what of their nation were with us, and desired to continue so, should not be obliged to be sent away against their wills, and the like with ours that were with them; therefore when they had a flag of truce here, I would have had her gone with monsieur Lepafs, who came here to exchange the French prisoners, but she refused, and by the agreement betwixt us I would not force her away; nevertheless, Grubbins, in revenge, took the opportunity to tell the people, when he landed and plundered, and to write me, that, if I did not send off his wife, he would carry away every woman he could meet with till he had his wife again; and, accordingly, one night, landed at a lone house at St. Elizabeth's, one Mrs. Barrow, a minister's widow, plundered all her negroes, household goods, and all she had; tortured her to confess if she had any money, and then took away with him her maiden daughter, Miss Rachael Barrow, of about fourteen years old, and carried her to Petit Goave. This passed a hundred miles from me, so that I heard not of it presently. Much about the same time, other privateers had been at the northside of this island; there they took major Terry and his wife, carried them aboard their vessel, stripped her to her shift, and beat her; at length, for ransom, made him give bond to pay a certain sum to whom they should send for it. Also, there they took a sloop belonging to one captain Robinson, and

another belonging to Richard Nicholas; these two came over land to me, and desired leave to go to Petit Goave, to buy their vessels and lading, which I accordingly gave them, and writ by them both, in two several sloop, to the French officers, and desired safe conduct in their going and coming, and they went away accordingly.

Soon after Mrs. Barrow had travelled hither, and came to me full of prayers and tears in behalf of her maiden daughter, and earnestly begged me to help her. I then considered these were inhumanities beyond the common custom of war amongst Christians, and therefore sent major Low, one of the council, and with him, for the better port, lieutenant-colonel Clarke, with a flag of truce, and a letter to monsieur Ducacs, to complain of these insolencies, and many others committed by their privateers, and to require punishment on the offenders, or else to tell him that I would make satisfaction to ourselves on any of their people that we met with; but the two sloop mentioned before, and this, with major Low also, as soon as they came on the coasts, they seized and plundered of what they had, and detained them all as prisoners.

Some time passed away, and I heard nothing of the Faulcon, whose limited time was out, nor of any of those sloop; and not knowing the French had any recruits of ships from France, and therefore but only one of forty-four guns with them, at Petit Goave, I could not think the Faulcon was taken, but doubted she must spring a but-head and so be foundered or accidentally fired in the sea, and all lost that way: but time going away, I was very uneasy, and began to doubt they had some design against us, and the rather because, about a month before, I had a letter from Curraçoa, from a gentleman I know not, which told me that the French were preparing a great strength to take Jamaica, but when or from whence he named not; so that I concluded it only a rumour, and the rather because I thought the French at Hispaniola with one man of war only, of their king's, of forty-four guns, could not, with all their privateers, attempt any such thing as the carrying the whole island.

Whilst I was under some doubts and concernments, which daily increased upon me as the time passed away, on Thursday, the last day of May, in the evening, as I was sitting with some gentlemen, comes into my house captain Elliot, whom I have before mentioned to have been taken by the French, in a very mean habit, and with a meagre weather-beaten

beaten countenance, and told me, that, for the safety of the island, he and two more had ventured their lives to the will of the sea in a small canoe, that would carry no more than them three that were in her, and had the Saturday night before stolen away from the enemy, to let me know that the French had recruits of men and men of war from France and Martinique; that they had taken the *Faulcon*, the manner how; that they had drawn up all their ships and force together, had twenty sail of ships and vessels, and three thousand men, and were designed to take this island; and in order to it, monsieur Ducas the governor was coming with them: that Stapleton, Lynch, and others of the rogues that had deserted from us, had told him he would meet with but little difficulty in the enterprize, for the fortifications at Port-Royal were down since the earthquake, and two thousand men would take that place; that they were very weak; that upon the island there were at least five hundred men, some Roman Catholics, and others affected to king James, that would come in to them, and that a small number of men might march through the country; that they were ready to sail when he came away, and might be expected in two or three days; that they hoped to be with us before we had any intelligence of their coming, which would make their conquest of the place more easy.

This was surprising news, but the council and assembly being then together here, I presently sent for the council, and soon after for the speaker, and concluded he should call the assembly together and adjourn for one month, which was accordingly done; and a council of war of the officers immediately called together, and martial law proclaimed, and every officer ordered to his post. At this time one of the bastions of Fort-Charles at Port-Royal was built but up to the fills of the port; but colonel Beckford, who commanded that fortress and Port-Royal, did so industriously apply himself to the securing of the place, that he got the bastion built, the platform laid, the guns mounted, and all the fort into excellent order; then laid a line of nineteen calverin to the east of the fort and five to the west, and in the mean time we bought a ship and fitted her very well, though at a great charge, for a fire ship; laid the Advice to second the fort, drew all the merchant ships into a line, and barricaded all the streets leading to the fort, and lined them with great guns, and put every thing there into as good a posture as could be done in the time; and, to strengthen him, I sent him fifty white men and fifty blacks from St. Catherine's, and as many from St. Andrew's and Kingston, and put

put fifty blacks on board the Advice. In the mean time, colonel Lawe, at St. Andrew's and Kingston, drew lines where there was occasion, secured a narrow pass where they might be afraid to break in at the eastermost part of Kingston; and sir James Carlisle having garrisoned and provided his house, which was well walled and gunned for a defence; also they built a regular fort in the parade at Kingston, and put themselves in very good order. At St. Catherine's side we likewise made very good breast works, and planted guns where there might be danger of their landing, and the like was done at Old-Harbour and Carlisle-Bay, and put ourselves into the best posture we could to receive them; and, because the island is very large, and impossible to be defended in all parts, without very much more strength than we have, I was willing, if possible, to defend what was strongest, and therefore I sent for all the forces from the out-parts and drew them near together into St. Dorothy's, St. Catherine's, St. Andrew's, and Port-Royal; from which places, whenever we were attacked, we could assist one another; and some few I left to defend the breast-work at Carlisle-Bay, but that was above thirty miles off. The people of St. Thomas's and St. David's, the eastermost parts of the island, and most obnoxious to the enemy, I ordered all in, and to bring to St. Andrew's and Kingston their wives, children, negroes, and all they had, because that in five and twenty or thirty miles space there were not above a hundred and thirty men of all sorts, and therefore not possible in anywise to defend themselves, but would all have been a prey, with all they had, to the enemy. Accordingly the greatest part came away, and brought all they could, but some trusted to the good nature of the French, as I doubted they would by some letters they met with, and lost what they left behind. At Fort-William and Port-Morant I ordered the guns to be spiked up, the shot to be buried, and the powder brought away, as being in no capacity of strength or men to defend itself against such a force.— We also drew from all parts of the island as many able men negroes as could be trusted, and put them in arms, where many did good service, as well as in the laborious part of building breast-works, &c. and we stored ourselves as well as we could with salt provisions, of which and flour we had the good fortune to be pretty well stocked.

According to our daily expectation, on Sunday morning, the seventeenth of June, their fleet came in sight with a fresh gale, and we expected they would have come directly into Port-Royal, but they had met with no intelligence, and therefore eight sail stayed about Port-Morant,

Morant, and fourteen of them went to an anchor in Cow-Bay, six or seven leagues to the windward of Port-Royal, and where if I had not removed the people from St. David's and St. Thomas's they had secured them all from coming to us, or we from sending any succour unto them. Here a negro man presently came to them, as I am advised, and told them captain Elliot was arrived sometime since, and we had notice of their coming; the people were all called together from the out parts and Port-Royal fortified; nevertheless monsieur Ducacs would have come in, but many were against it, and monsieur Rollon, who commanded the *Temerare* of fifty-four guns, and was admiral, told monsieur Ducacs he would not venture the king's ships into any harbour, where if they did not prevail there was no coming out again. Then they fell to landing their men, plundered, burnt, and destroyed, all before them eastward, killed all the cattle of all forts, and all fowls; drove flocks of sheep into houses and then fired them, burnt the canes, pulled up the very herbs, and cut down the very fruit-trees. Some of the straggling people that were left behind they tortured, particularly Charles Barber; and James Newcastle they murdered in cold blood after a day's quarter: Some women they suffered the negroes to violate, and dug some out of their graves, so that there were never more inhuman barbarities committed by any Turks or infidels in the world; and what they could not carry away, they totally destroyed, and left that part of the country wholly devoured and destroyed. There they were at their own liberty, for it was too far for us to send such a force as could repel them; besides they had secured the pass at Cow-Bay, and also they watched but when we would divide our force, and then they would have been upon us in few hours with their ships, and would have put the whole island in great danger, which I was resolved to defend if possible. When they had cleared before them from Cow-Bay to Port-Morant, which was about five and twenty miles, and whither sometime before they had removed all their ships, they thought they should do the same in all parts of the island without interruption; and therefore, during their stay at Port-Morant, they sent forty-five vessels to the North-side, and at St. Mary's and St. George's burnt some plantations; but, on the appearance of some forces which we sent thither, they withdrew and returned to their fleet; also the Thursday after they came first to Cow-Bay, the wind blowing very hard, and the admiral's ship, monsieur Rollon, riding in deep water, his anchors came home, and he was driven off with another in his company, and could not get up to his fleet any more; but, for want of water, bore away to Blue-Field's-Bay, towards the

the west end of this island, where he landed about sixty men; but major Andrews, who was left there with a few men to take care of those parts, fell on them, where was a small encounter, in which we had one man killed and two wounded, and they lost some; but, on the hearing the small arms, the admiral fired a shot over their heads, which was a sign to them; for on it they ran a-board in such a haste that they left their meat they had killed, and some cattle they had tied up to carry a-board, and their bread and salt, and sailed away as soon as they could get up their anchors. The fleet having done all the mischief they could at Port-Morant, and the country thereabouts, beat down all the walls of Fort-William, burnt the carriages of the guns, and, leaving nothing they thought might be useful to mankind, on Monday, July the sixteenth, their whole fleet sailed from thence, and on Tuesday morning the seventeenth some of them came in sight of Port-Royal, and in the afternoon all the rest, and went to an anchor again in Cow-Bay; and, to amuse us, landed their men very fast, and made fires along the bay, which gave us cause to think they designed to try to force the pass into St. Andrew's; for fear of which, I sent thither from St. Catherine's about a hundred men to reinforce them, but still doubted a trick, and so it happened; for, as soon as it was dark, they took all their men a-board again, and sailed all but three of their biggest ships, which still kept in Cow-Bay to amuse us, so that the eighteenth in the morning we saw seventeen of them from our look-outs in the country, and from Port-Royal, standing to the westward, and then I concluded their design was to surprize Carlisle-Bay, in Vere, before we could send to their assistance, it being about thirty-six miles from us in St. Catherine's; but I presently sent two troops of horse, and part of the regiment of St. Catherine, and part of the regiment of Clarendon, which were in town, and part of the regiment of St. Elizabeth, which lay in the way at St. Dorothy's, to march; to mount what part of the foot they could get horses for, and by evening they were all marched on their way. The horses and they that were mounted got thither by night, and the rest marched so hard that they got thither by ten the next morning.—The enemy came all to an anchor in that bay, the eighteenth in the afternoon. There lay a ship come from Guinea, which landed her negroes there, and could not for the hard breezes come up to Port-Royal; of this ship captain Daniel was commander, who, seeing he could not save her, set her on fire, that the enemy might not have her, and with his men went on shore into a breast-work on the bay, where they did very good service, and where six of his men were killed and more wounded.—

Into

Into this breast-work were gotten two hundred and fifty men, besides blacks, being those of the several regiments they got down first, and colonel Sutton of Clarendon, was the chief officer, and had been the builder of this work; but it was ill made, and worse contrived; on the south was the sea, on the west a large river, on the north a village of houses, and on the east they had left a wood standing, and made no provisions for the men, either meat or drink, or horse meat. Thursday the nineteenth, some hours before day, the French in all their fleet made signs for landing, by throwing up in every vessel small balls of wild-fire, and by day light had by estimation landed about fourteen or fifteen hundred, but avoided the breast-work, and landed about a mile and a half to the eastward of it, where were small guards to watch them, who fired on them as they approached the shore, and retreated about nine or ten in the morning, they having very good guards come down the wood on the east side, and fell very hotly on the breast-work, where a great fire was made, and the French officers forcing on their men, ours gave way and fled to the westward, where many got over the river and were saved, others bogged and drowned; many of the officers and most of the men fought bravely, and killed many of the enemies before they were forced to retreat. Colonel Claybourn, of the regiment of St. Elizabeth's, and his captain-lieutenant Vassil, were killed dead; lieutenant-colonel Smart of the regiment of Clarendon, lieutenant Dawkins and others killed; and captain Dawkins and captain Fisher, and many others taken prisoners, and about four of their colours lost, and all their horses, which were tied thereabouts. Just as the French forced the breast-work, three or four companies of the regiment of St. Catherine, and one of St. Elizabeth, and some horse, came in after a march of about thirty miles that night, weary, lame, and hungry, yet fell on bravely, on the right of the enemy, and charged them so warmly that they could not follow our men that took a way over the river, else they had all been cut off. Here both officers and men behaved themselves with that gallantry, that they made the enemy retire, and ours then being very much fatigued, did the like to recruit themselves. Here captain Rakestead and some others were wounded, and some killed on our side; and many of the French, who, as soon as the rencounter was over, fell, according to their wonted barbarity, to burn and destroy all they came near, and made no other advance towards our forces, nor we towards them, but in several skirmishing parties, till Sunday the twenty-second; then they marched upwards, and came to a brick house of one Mr. Hubbard's, who had gotten about five and twenty men into it, well provided with arms, ammunition, water, and

conveniencies; on this house they fell smartly, but they from within applied themselves so to their defence, that they killed many and wounded more, and of these several of their considerable officers. Major ———, hearing their dispute, made with some horse and foot to their assistance, and came in time enough to help to beat them off, and plunder the dead; but here we lost some men; also our scouts and spies brought news this evening that the enemy were providing great guns against the next day, and then resolved to batter and attack the house. In this time some of the chief of our officers, not being so brisk, nor managing with such conduct, as the case required, the commissioned officers at a council of war unanimously chose major Richard Lloyd, major to myself, of the regiment of horse, to direct and command all the force there, which then was about seven hundred, and sent an express to me to confirm it, which I did for the better management of the whole. The next day, being Monday the twenty-third, major Lloyd put about fifty men into Mr. Hubbard's house and laid the rest of the forces in an excellent ambuscade, expecting the enemy to come on as they had reported; which, had they done, few had returned alive; but they, being privateers, and finding so many of their men killed and wounded, and amongst them several of their best officers, and finding they could make no advance on the country, that night fired all the small town of Carlisle, stopped up the great guns, did what mischief they could, left the prisoners they had taken there, and went all aboard their ships. At their first coming, they boasted much that they would fire and destroy all the country before them till they came to St. Catherine's, then plunder and burn that, then cut off the water from Port-Royal, and starve that, and so secure the whole country to themselves; but withal took care, by some rogues, to tell our people who would submit to the king of France, or declare themselves for king James, should have all they had preserved to them, but few believed them; and they, having met with no refusal in St. Thomas's and St. David's, believed they should march as freely in other parts of the country, and meet with no considerable opposition. On Tuesday their whole fleet sailed, and for fear they should fall into Old-Harbour, which is between St. Catherine's and Carlisle, and land there, and thereby cut our forces that were at Vere from joining those here, and so have fallen on this town and endangered the whole, I had given order before to major Lloyd that, if he saw them remove, and sail to windward, he should immediately march the forces to St. Dorothy's, leaving only a guard at Carlisle-Bay, which he did accordingly; and, to prevent their design in this place, when I sent the

the forces that were here away to Carlisle, I called from Port-Royal and St. Andrew's, which were then safe, when the enemy's fleet were to leeward, about four hundred and fifty men, besides blacks, so that we had a good strength here, had they put that trick on us; besides there is an open plain country six miles to the westward of this town, through which they must have passed, and then the horse would have done us good service, which they could not do in that inclosed country of Vere, which is all hedged, and we had also five very good field-pieces well mounted, and all things in order, so that I doubt not we should have given them such a reception as they would not be well pleased with; but they made all haste homewards, and had favourable weather to do it. Monsieur Ducacs and two or three ships made the best of their way, and stayed not any where, but about seventeen sail went into Port-Morant to wood and water, which they did with all the speed they could. On Saturday the twenty-eighth in the evening, they put ashore most of the prisoners they had taken whilst they were about the country, and that night sailed all homewards, as we guess, since we have heard nothing of them from that time.

I cannot yet procure a certain account of the losses of either side; but, according to the best conjecture we can yet make, we have had on our side about sixty killed and wounded since they came first to the country, and, as we can gather from our prisoners come from them, they have had killed and wounded above three hundred and fifty men, besides many died with sickness in their ships, so that when they come home and consult their lists, it is supposed seven hundred will be found wanting, from their first setting out. It appears by what I have known since, that Mr. Hubbard's house was garrisoned the first time by order of major Lloyd, and an officer put in to command them; that we have had on our side killed and wounded about a hundred men of all sorts, Christians, Jews, and negroes, and that fifty sugar works have been destroyed, besides many plantations in St. Thomas's, St. David's, and St. Mary's, and above a hundred burnt besides, in the parishes of Vere and St. George's, besides all other spoils, and about a thousand three hundred negroes, as we can yet compute, carried off, so that the value is very great, and cannot yet be computed.

A LETTER FROM THE COUNCIL IN ENGLAND

TO SIR WILLIAM BEESTON,

IN ANSWER TO HIS NARRATIVE.

AFTER our very hearty commendations, her majesty having received an account, from your letters of the 23d of June last, that the French have appeared before the island of Jamaica with a considerable force in ships and men, and on the seventeenth of the same month landed a great number of men upon the windermost part of the island, where they were plundering, ravaging, and burning, all before them, and were daily expected to fall upon St. Jago and Port-Royal, where you had got all the force of the island from the out-parts, and had got all things into as good a posture as you could to defend the place, till such time relief of ships and men might be sent from England, to enable you to encounter the enemy, both by sea and land, and to beat them off from the coasts of Jamaica; and further representing, that, in ten days after the date of your said letter, you intended to send another express, with an account of the posture and proceedings of the enemy; which express is now very soon expected. Her majesty in the mean time, taking nothing more to heart than the relieving and preserving to the crown of England the island of Jamaica, as a place of the greatest importance to the trade and commerce of this kingdom, and protection of their majesties good subjects in that island in their persons and estates; we have received her majesty's command to let you know, that her majesty, relying very much upon your vigilance, courage, and prudent conduct, together with the known loyalty and fidelity of their majesties subjects in Jamaica, for the resisting and withstanding the further attempts of the enemy, and defending and preserving the island from falling into their hands, until such time as suitable relief may be sent to repel them from thence; her majesty has been graciously pleased to give express orders for the preparing, with all the diligence that may be, for the speedy sending to Jamaica such strength in ships of war and land forces as may be able not only to free the island from the insults of the enemy for the present, but to reduce the French in the neighbourhood of Jamaica to such a condition as may put them out of capacity for the future to molest the inhabi-

stants of that island, or to disturb the trade or commerce of their majesties subjects in those parts. Her majesty having also referred to our care the sending away the said ships and land forces, with such expedition as the emergency of the occasion and their majesties purpose for the protection of their subjects, and the preservation of that island from falling into the hands of the enemies, you are to assure the inhabitants of Jamaica that we have the same under consideration, in such manner that the said relief and assistance may be sent in good time to their satisfaction, for their protection in their persons and estates upon the island, and that the same may render them for the future safe and secure from the insults of their majesties enemies in those parts.

And so, not doubting of your utmost care and endeavour in the meantime for the defence of the island, and the protection of their majesties subjects there, all that in you lies, we bid you very heartily farewell. From the council-chamber, at Whitehall, this 23d of August, 1694, in the sixth year of their majesties reign.

Your very loving friends,

SOMERS,
LEEDS,
PEMBROKE
SHREWSBURY,
NORMANDY,
BATHE,

H. GOODRICKE,
RAMNEY,
DURSLEY,
CHARLES MONTAGUE,
J. HOLK.

AN

AN ADDRESS OF THE ASSEMBLY OF JAMAICA
TO SIR WILLIAM BEESTON.

To the right honourable William Beeston, knight, their majesties lieutenant-governor, and commander-in-chief of this their majesties island of Jamaica, and the territories thereon depending, &c.

THE HUMBLE ADDRESS OF THE ASSEMBLY.

May it please your honour,

HAVING taken into our serious consideration, that your honour communicated by the speaker to the house, relating to the better securing this island, do most humbly presume to acquaint your honour, that notwithstanding they have met with some disappointment in the immediate assistance expected from the king's ships, for the security and defence of this island, and the disorder and unwillingness of the sailors employed in the sloop to continue and proceed in the service, arising from the so great disproportion in sharing what is taken in the frigates among them, which we fear in some measure hinder the success hoped for. Yet, as an instance of their readiness to preserve their master's honour and the safety and welfare of this island, have unanimously voted a supply of forty men, for the better enforcing the sloop now in the country's service. They also desire that they may have leave humbly to offer, that, considering the Spanish trade is of so great importance, and considerable advantage to persons trading that way, it is undoubtedly capable to bear its own charge, without the frigates for security and convoy; and the persons concerned to raise a fund of money to hire other vessels and men, and their master's frigates attend and guard the coast of this island, and be employed against the enemy, and maintain their honour and interest in these parts, and also, that the sloop of war fitted out by the country may be employed for its immediate service upon the coast thereof.

As to other matters your honour hath been pleased to intimate, of great concern and consequence to the interest of this island, the house has resolved, as the circumstances of affairs shall admit, to take into their immediate consideration the expediting thereof; and, as the necessary defence of the island seems at present to call for immediate assistance, therefore the house thinks fit to enter upon nothing until what has relation thereto shall be dispatched; and hope, for their encouragement, to meet with assurance from your honour, that what they have requested in their humble address will be granted.

RESOLUTIONS

RESOLUTIONS OF A COUNCIL OF WAR,

AT A COUNCIL OF WAR HOLDEN AT PASSAGE-FORT, ON SATURDAY
THE 8TH FEBRUARY, 1695-6.

P R E S E N T,

The right honourable WILLIAM BEESTON, *knight, his majesty's lieutenant-governor and commander-in-chief*, PRESIDENT,

COL. JOHN BOURDEN	LIEUT. COL. THOMAS CLARKE,
COL. NICHOLAS LAWES,	LIEUT. COL. CHARLES SADLER,
COL. HENRY LOWE,	MAJOR JAMES MANSEY,
COL. CHARLES KNIGHTS,	MAJOR LANCELOT TALBOT.
LIEUT. COL. RICHARD LLOYD,	

AGREED I. **T**HAT if the enemy endeavour to force the pass into Liguanea, then, on the first notice, the troop of horse and three or four companies of foot be sent from town to assist them; and, for a sign,

ORDERED, That colonel Lawes cause three guns to be distinctly fired at the breast-work, and three at Kingston, and that they be answered by one from Port-Royal fort.

AGREED 2. If the enemy pass Port-Royal on the outside of the Keys, then the troop of horse and three or four companies of foot of Liguanea to march immediately, without further order, to St. Jago, and three companies of the foot at Port-Royal to come over by Salt-Ponds, and march to St. Jago with all the expedition that may be.

AGREED, That if the enemy attempt Old-Harbour, which will soon be known, if they are seen tailing in there, then the major part of the horse and foot to march from St. Jago to St. Dorothy's, and the regiment of Clarendon and Vere to do the like, leaving only one company for a guard at Carlisle.

ORDERED,

ORDERED, That, upon the approach of any ships to Old Harbour, the officers there immediately send expresses to Carlisle-Bay, and land there; then his majesty's troops and all the forces horse and foot, to draw down about Mr. Iveys, and there stay till they are reinforced, and not fall on in small parties, lest they be baffled; and the forces of St. Dorothy to march immediately by, if they see the ships pass Portland, and join the Clarendon forces, leaving only about twenty men and a commissioned officer for a guard to St. Dorothy's, and the forces of St. Jago to follow as fast as they are able, and join the forces at Vere.

ORDERED, That the Clarendon and Vere troops come to town immediately, leaving only six troopers to ride the patrol there.

It is the unanimous opinion of this board, that the forces from windward be immediately drawn down to Liguanea, and from all other parts of the island, Port-Royal excepted, to St. Jago de la Vega and St. Dorothy's.

ORDERED, That colonel Knights take up two such ships or vessels as will be most convenient to make fire-ships, and fit them immediately.

ORDERED, That all the reformades in this island join and exercise in the several troops of horse, in the respective precincts where they live.

Vera Copia.

THOMAS NICHOLAS, Sec.

QUERIES

QUERIES PROPOSED TO SIR SIMON HARCOURT.

JAMAICA.

CAPTAIN general Selwyn arrived in this government the twenty-first of January, 1701. He soon or immediately issued out a writ to call an assembly to meet on the seventeenth of March; this assembly sat, and continued to make laws until the 25th of May, at which time notice came of the decease of the king on the eighth of March.

Query 1st.—Whether that assembly, convened after the death of the king, be lawful, and the laws made by them before such notice be good and in force? The acts of an assembly making of laws, I think, are not to be compared to the acts of particular persons, as justices of assize, or other commissioners acting by virtue of the king's commission. Acts done by such justices or commissioners after their commissions are superceded, &c. and before notice thereof, are valid.

Answer.—But an assembly, in nature of a parliament, I take to be dissolved immediately upon the demise of the king, unless otherwise provided for by some law. However the assembly, until notice, was undoubtedly a legal assembly; but, nevertheless, I conceive the laws they made after the decease of the king want confirmation. Colonel Beckford had a dormant commission for lieutenant-governor of an old date, under the privy seal, to commence or take place on the death or absence of any captain-general or commander-in-chief. Captain-general Selwyn died on the fifth of April, and the same or the next day that commission was published.

Query 2^d.—Whether that commission is made good to all intents and purposes by the statute of the 7th and 8th of the king, *fol.* 565, he not being possessed till after the death of the king. Had the commission to colonel Beckford been good and in force at the time of the demise of the late king, the above mentioned statute, and statute in this late parliament for explaining a clause made in the said statute 7th and 8th of the late king, would have preserved that commission for six months, unless sooner superceded?

11

Answer.—

Answer.—But I conceive colonel Beckford's commission, if it was ever good, determined by the granting the commission to colonel Selwyn, and was not in force at the demise of the late king, and consequently not preserved by the said acts.

Query 3d.—Our writs of fummons here, which are of the nature of original writs in England, bear date the last court, and are returnable the next; the death of the king happens between those courts, whether those fummons executed by service before notice of such decease be good and lawful?

Answer.—I conceive those fummons are good, and may be returned and proceeded on by virtue of the act made in the last parliament, for explaining a clause of the act made 7th and 8th of the late king, for the better securing his majesty's person and government.

This is a true copy,

SIM. HARCOURT.

September 11, 1702.

A SPEECH

A SPEECH OF HIS EXCELLENCY GEN. SELWYN
TO THE ASSEMBLY,

Mr. Speaker, and you gentlemen of the assembly,

I HAVE called you together with all the dispatch I could, and hope to find every man in a temper suitable to the necessity of the affairs. I need not tell you the estate of the revenue, referring that to your inspection; but I am very sorry, for your own sakes, it is so far lessened, at a time when your defence requires it should be much greater than ever.

The main business I have to recommend to you is, the care of yourselves and of those gentlemen who are sent to defend you; I mean building fortifications and barracks, which is the easiest and most useful way of quartering soldiers. On these two points I shall be always ready to advise with you, the matters and methods being of too large an extent for a speech, and likewise whatever else you shall think for the service of the king and country; only I must desire your immediate application to the former, lest the vigilancy of our enemies force us to our arms, whilst you are deliberating upon a law.

With the advice of the admiral and council, I have taken up two vessels for fire-ships, which account shall be laid before you, wherein you will see how much care has been taken to make the charge easy to the country.

I have reviewed the greatest part of your regiments and troops, who I find are generally good men; but I hope you will take my advice in some amendments to the militia act.

It may be expected I should say something as to your civil rights: I therefore, being a stranger, will unravel myself, so that every man may see what he is to expect from me.

When any real grievances are duly represented, I shall readily concur
L I 2- with

with you in redressing them; but hope no imaginary ones will disturb the public peace or business,

Liberty and property I know is the foundation and blessing of our constitution, and I would no more invade either than I would sacrifice my son; nor will I lessen the king's prerogative any more than I would betray my father; and, whenever his service or defence of this country requires it, I am ready to expose myself to any fatigue and danger.

It was in perfect obedience to his majesty's commands that I came hither, whose goodness to you and care of you was my greatest encouragement; the particulars of which, being too many to enumerate, shall be laid before you during my stay. Justice in all things shall be my rule, and, at my return, his majesty's gracious acceptance of my small service, will be at least an honourable reward for the hazards of this climate: In the mean time I shall expect a just defence to my authority, and as much consideration, in every respect, as has been shewn to any of my predecessors.

I will add no more, but to desire you will, without any loss of time, heartily apply yourselves to the public business, that we may have a short and happy session.

THE

THE DISTRIBUTION OF THE ROYAL DONATIVE,

WHICH

KING CHARLES II.

SENT TO THE

OFFICERS AND SOLDIERS IN JAMAICA.

WHEREAS his most excellent majesty hath been graciously pleased to send unto the late soldiers of this island his royal gift, converted into several goods and commodities, I do hereby acknowledge to have received the share, proportion, and dividend, for the officers and soldiers in the late regiment under my charge and command, amounting in money to the sum of two thousand six hundred and fifty-two pounds, five shillings, and seven-pence, sterling; and, in pursuance of his majesty's instructions, I do promise, according to the late muster taken, and the persons now living, to distribute the same. Witness my hand, this 17th of October, 1662.

SAMUEL BARRY.

WHEREAS his most excellent majesty hath been graciously pleased to send unto the late soldiers of this island his royal gift, converted into several goods and commodities, I do hereby acknowledge to have received the share, proportion, and dividend, for the officers and soldiers in the late regiment, under the charge and command of colonel Edward Dooley, amounting in money to the sum of two thousand five hundred and eighty-two pounds, four shillings, and a penny, sterling; and, in pursuance of his majesty's instructions, I do promise, according to the late muster taken, and the persons now living, to distribute the same.—Witness my hand, this 17th of October, 1662.

THOMAS LYNCH.

WHEREAS his most excellent majesty hath been graciously pleased to send unto the late soldiers of this island his royal gift, converted into several

several goods and commodities, I do hereby acknowledge to have received the share, proportion, and dividend, for the officers and soldiers in the late regiment, under the charge and command of colonel Francis Barrington, deceased, amounting in money to the sum of two thousand eight hundred forty-five pounds, twelve shillings, and six-pence, sterling; and, in pursuance of his majesty's instructions, I do promise, according to the late muster taken, and the persons now living, to distribute the same.— Witness my hand, this 17th of October, 1662.

CORNELIUS BURROUGHS;

WHEREAS his most excellent majesty hath been graciously pleased to send unto the late soldiers of this island his royal gift, converted into several goods and commodities, I do hereby acknowledge to have received the share, proportion, and dividend, for the officers and soldiers in the late regiment, under the charge and command of colonel Philip Ward, deceased, amounting in money to the sum of two thousand six hundred seventy-one pounds, three shillings, sterling; and, in pursuance of his majesty's instructions, I do promise, according to the late muster taken, and the persons now living, to distribute the same. Witness my hand, this 17th of October, 1662,

THOMAS BARRY.

WHEREAS his most excellent majesty hath been graciously pleased to send unto the late soldiers of this island his royal gift, converted into several goods and commodities, I do hereby acknowledge to have received the share, proportion, and dividend, for the officers and soldiers in the late troop of horse, under my charge and command, amounting in money to the sum of one thousand five hundred twenty-seven pounds, fifteen shillings, sterling; and, in pursuance of his majesty's instructions, I do promise, according to the late muster taken, and the persons now living, to distribute the same. Witness my hand this 17th of October, 1662.

R. NELSON.

A JOURNAL

A JOURNAL KEPT BY COL. WILLIAM BEESTON,
FROM HIS FIRST COMING TO JAMAICA.

WHAT was truly acted from the taking of the island, to the 27th of April, 1660, (which was the day I arrived there,) I am not certain; but, as I gathered from those who were there before me, this following is the short account which, though perhaps not certainly perfect, yet may put your excellency in mind of some things that may be necessary, and which you yourself can better methodize.

Soon after the defeat of the army at Hispaniola, this island was on the tenth of May, 1655, taken from the Spaniards by the army commanded by general Venables, and the fleet then commanded by general Penn. Some few months after the island was taken, great part of the fleet went for England, and, after the two generals left the island, the government fell alternately to the chief officers, who soon, fearing supplies, shut up the stores of provisions, which, with the havock that had been made of the cattle, brought great want on the soldiers; and that and living upon fruits only, or such other hard fare as they could get, brought a great mortality. The Spaniards and Spanish negroes also lay lurking about the woods, and destroyed many as they rambled for food to sustain their hungry appetites: Thus they continued till the death of major-general Fortescue, Mr. Aylesbury, &c. Then arrived major-general Sedgwick with recruits, who, seeing the soldiers' wants, opened the old stores; but in a few months he died. Then came the command into the hand of colonel Doyley, as president. Not long after which, arrived general Brayne, a man, who, had he lived, might have been very advantageous to the interest of the country, for he animated them to planting, hunting, and to make benefit of the island; but, in three or four months, he died also, and then the command again returned to colonel Doyley; after which the place began to mend, provisions to be more plenty, the people to be more industrious, and merchants' ships began to frequent the place; but the scattered Spaniards began to gather together at Ochorios, where they built a pallisade fort, but were hardly settled before they were defeated, and

and their fort razed by the English; yet, not long after, forces were sent from New Spain, Cuba, &c. to reduce the island, and landed at Río-Nova, where they built a good fort, with chapel, and houses; But thither general Doyley went by sea in person, and with the men he carried with him bravely fought the Spaniards, took their fort, and killed and took most of them; after which the Spaniards headed no more, but lay sculking in the woods, and, with the assistance of their negroes, killed many English as they travelled the roads; but at length a party of the negroes came in to the English, and soon after a detached party of the English were sent out, who totally took and routed the Spaniards in the woods, and a few got off to Cuba; and the English remained indifferently quiet. During those times, captain Muins, in the Marston Moor, with some other ships in his company, took many prizes, pillaged and burnt many towns on the Main, and returned victorious, but was emulated for his success, and not long after was sent by colonel Doyley for England.

What follows is after my arrival, and from my own knowledge; in which I have only as a journal continued along the heads of things as they have happened in time, knowing your excellency is more able to enlarge of the particulars.

APRIL 27, 1660.—At my arrival the people were still as an army, but without pay, commanded by general Doyley, under whom, as chief ministers, were major Fairfax and captain Burroughs; the government was only by a court-martial, held once a month at St. Jago, and what disputes general Doyley self, who lived very near and private, did not by any means love planting, but hindered those that were willing to plant, by telling them they would be all called off. The people were now healthful, and provisions began to be plenty, and trade to increase; the privateering was carried on, and good prizes often brought in by them; this summer a party of Spanish negroes, commanded by Juan de Bola, came in and surrendered themselves, who were all made free, and captain Juan de Bola had commission given him to command them; yet there was another party of negroes still abroad, called the Vermahollis negroes, after whom captain Ballard was sent with a party, who took most of them, so that now there were not above thirty out negroes left in the country, who by degrees were all picked up, and the island left quiet to the English.

About

About this time, the rump parliament being again up in England, no recruits came for the army, and they had no pay, which made the soldiers deem themselves neglected, and a general expectation there was that all would be called off, and the island deserted, there being no news of his majesty's happy restoration; this gave occasion to one of the regiments at Guanaboe, and formerly commanded by colonel Barrington, but now by lieutenant-colonel Tyson, who being set on by a discontented reformed officer, called lieutenant-colonel Raymond, who lived near him, began to mutiny and set up for themselves, saying, they would live no more as an army. And, accordingly, August 2d, they declared they would have the island settled in colonies, and make constables and civil officers. These general Doyley not being able to appease with words, drew some forces to St. Jago to appease them, but was cautious, not being certain but that those he brought, if it came to the push, would fail him, and be of the mind of the others; and, therefore, he ordered a ship of Southampton, called the Mary, captain Richard Tylar commander, to lay ready without the fort, that, if he saw things grow desperate, he might embark and leave them; but, by sending several messengers to them, and at length major Richard Hope of the Liguanea regiment, he so prevailed with them, telling them the danger if they persisted, and, on the contrary, that if they delivered up the two lieutenant-colonels they should all be pardoned, that they promised the next morning to deliver up their officers. Accordingly, in the morning, the soldiers brought down the two lieutenant-colonels, and delivered them up; on whom there presently sat a court-martial, who adjudged them worthy of death; and accordingly, in a very short time, in sight of both parties, they were shot to death. Then the soldiers were all ordered to their several quarters, but were grown so insolent, that the general was forced to give them leave to plunder the houses of Tyson and Raymond in St. Jago, which flushed them to plunder more, even any that they could pretend had any correspondence with those men; and yet, after all this, and all the fair words that were given them, it was as much as the general and their officers could do to keep them from mutinying, and to get them to return to their precincts.

AUGUST 15.—His Majesty's ship the captain
commander, arrived from England, with the union jack flying, which
gave all people great hopes his majesty was restored to his throne, and was
confirmed when the ship came into the harbour: which news was received
M m with

with great joy and acclamations, and the seventeenth was appointed for the solemn proclamation of the king, and then done with all the expressions of joy that the place could afford; to help which, at the same time, the Bear, another of his majesty's ships, which came out with the

was coming into the harbour, who, seeing the acclamations on the shore, fired all her guns as she came along; these ships came away without orders

their errand, for they could only say his majesty was joyfully received by his people, but no particulars.—There being no directions by these ships, the people began to signify and report, that they should all be called off, and the island delivered up to the Spaniards; which suspicion made them very idle, and not at all industrious to settle or plant the country; and under these apprehensions they continued without any certainty, till, on the 29th day of May, 1661, the happy day of his majesty's birth and restoration, the Diamond frigate, captain Whiteing commander, arrived, and with her came out the Rosebush, captain Brown commander, who arrived not till June the 2d; these ships brought a commission from his majesty to general Dooley, to be governor of the island, orders to disband the army and encourage them to settling the country, to erect courts of judicature, also patents for the provost-marshal, secretary, and surveyor general's places.

JUNE 5.—The governor caused his commission to be published, then proceeded to call a council, settle the courts, cause the oath of allegiance to be taken. The council, with the governor, made laws for the present government of the island, and to lay a tax on all liquors imported; settled eight hundred pounds *per annum* on the governor, and a hundred pounds *per annum* on the chief judge, who was first colonel Ward, and after his death colonel Barry. This pleased the trading people, but not the soldiers, who could not forbear talking even to mutiny, for that the first quarter sessions, which was July the second, one of them was hanged, to let them see the law could do as much as a court-martial. Yet, notwithstanding all this, general Dooley gave but little encouragement to the planting or trading part, (but the privateering went on, and many considerable prizes were brought in), nor to the patentees, whom he discouraged as much as he could, without absolutely denying them the benefit of them, either because they were not officers of his own making, or such as he had respect for, or because he thought his government to be but short lived, and that in it he could have no benefit but by the privateers, over whom he had an absolute power, and would let none buy of them

them but himself, or whom he pleased to permit; he had indeed no regard or respect to any, either planters or traders, but those who had been of the army.

About October this year, there came a report that the Lord Windsor was coming to be governor in his place; this (though he pretended always to be willing to quit the government and return for England) very much troubled him, infomuch that he spoke very disrespectfully of that noble lord; discouraged the traders, used all means to get money and enrich himself; and the lord Windsor's arrival being prolonged from the time he was expected in, made him almost confident he would not come at all; on which he began to threaten the abolishment of the patents, and to new model the government.

DECEMBER 14.—His majesty's ship, the Great Charity, captain Poole commander, arrived from England, with about two hundred passengers; and the fifth of June the Diamond, who had been sent to the Windward islands to fetch passengers, arrived with about two hundred more from those islands.

APRIL 24, 1662.—The Diamond failed for England, but in the voyage the commander, captain Whiteing, died at the Caymanas.

JULY 30.—The Griffin frigate, captain Smart commander, arrived, and brought news that they left the lord Windsor at Barbadoes, who might be expected to arrive every day.

AUGUST 7.—Arrived another of their fleet, the Westergate, captain Hodges commander, which brought passengers, stores, and goods.

AUGUST 11.—The Lord Windsor arrived in the Centurion, captain Miners commander; with him came sir Charles Lyttleton, chancellor, and deputy governor, and with them a seal and mace for the island; also then came colonel Mitchel, who was made judge of the common law, admiralty, &c. and many gentlemen for preferment, and in hopes of offices and employments. And a donation the king sent to the army, which was a great respect from his majesty, and in lieu of their pay, which the king had no obligation to give them; but this being put into the hands of some in England, they laid it out in several sorts of goods, and so managed

naged it, that, by the time it came to be divided amongst the soldiers, it was inconsiderable.

General Doyley received the lord Windfor and general with seeming kindness, told my lord he doubted not but he would be told complaints of him, but they were false; and by that time his lordship had been here one year, he must expect the same to be raised on himself: However the lord Windfor ordered him to provide himself to be gone for England in a very few days, against which he petitioned my lord, and afterwards the council, but to no purpose.

SEPTEMBER 10.—In the Westergate he went away for England; after which the lord Windfor calls his council, models the government, settles the law again, which had slept about three months, constitutes judges and justices, establishes the militia, and takes the regiment of Port-Royal to himself; then begins to grant out the lands by patent under the great seal, in common soccage, and do all things that might encourage people to settle and plant the country. Nevertheless, rumours were raised amongst the people, that he intended many great fees and taxes on the seal and land, and on sugars and other commodities, insomuch that the old soldiers were like to mutiny; to prevent which, some of the most noted were sent to prison, and a guard of thirty horse, commanded by captain Ivy, on the thirteenth September, appointed to watch at Passage-Fort, and to have two shillings a day for each man's pay: Yet still the old soldiers murmur, and threaten to relinquish their plantations; on which my lord issues out commissions for settling the several regiments of the train bands, and also, on the fifteenth September, publishes a declaration throughout the island, wherein he manifests his respects to the people, and tells them, the reports raised about the seal and taxes was only done by incendiaries and disturbers of the peace, and that they were false and no such things appointed; that he should consider the poverty of the country, and not burthen them more than was convenient. Soon after which, my lord and his council orders a war with the Spaniards, on this ground, that, having power in himself to make either war or peace, and being in Barbadoes, he had sent the Griffin frigate before to Porto-Rico and St. Domingo, to demand a trade, which they refused; therefore a design was formed against St. Jago de Cuba, and a fleet fitted, of which captain Miners in the Centurion was admiral. The soldiery being poor, and wanting conveniencies to settle, they gladly embraced this opportunity; so that there were

were soon gotten together about 1300 men, who with eleven sail of ships, small and great, parted from Port-Royal the twenty-first September, with great hopes of a large booty. Whilst these were abroad, the militia was fully settled, the commissions all given out, and the regiments formed, so that the sixth of October the regiment of Port-Royal met completely officered and armed. About this time also, the dividend sent by his majesty to the soldiers was distributed, as his royal gift for disbanding the old army, and the council sat and made many acts, viz. One about servants that run away from their masters, another rating the commodities of the country, how they should pass in payment from man to man; for though my lord had power to call an assembly to make laws, yet he put it not in practice in his time. And now, whether through sickness, melancholy, or dislike to the place, or all together, my lord resolves to return for England as soon as the fleet arrived from St. Jago, and orders the Bear to be forthwith provided for his transportation with all expedition, and settles his business in readiness; and, on the twenty-first October, arrives a shallop from the fleet, which brought news they had taken St. Jago. On the twenty second arrived the fleet, with all their and plunder, having taken the town and burnt it, blown up the castle, brought away the guns, taken seven ships in the harbour, and wasted the country round about it, and brought with them abundance of sugar, hides, plate, wine, and much other plunder; and all this only with the loss of six men by the Spaniards, though there were about twenty more lost by other accidents. And now the fleet being arrived, my lord was impatient of his stay, so makes all the haste he could to be gone, and so expedites his business, that, on or about the twenty-eighth October in the morning, he sailed in the Bear for England, leaving sir Charles Lyttleton deputy-governor, and colonel Mitchel chief over the sea affairs, and over all the courts. This success made the people quiet, the Centurion stayed in harbour, but the privateers all went to sea for plunder; yet some Spaniards came, under pretence of trading, to the island, and were kindly received; but consultations were had, whether the Spaniards, being enraged by this loss of St. Jago, might not meditate revenge, and make some attempt on the island; therefore what money was due to the king was called in, and in November about forty men hired to work on the fort, which is now called Fort-Charles, with intent to finish it, which hitherto lay open, with only a round tower of stone, and banks of boards and sand towards the sea. On the first of December these men began to work at it; on which day it happened that all the planets in the heavens were in Mars ascendant of the

the Spanish nation, and such a remarkable convention that does not happen in very many years. About the twelfth of this month, there was again a consultation for another design against the Spaniards, and the Centurion was presently fitted for Campeche, and other ships to go with her, and men raised, which were ready enough for all such enterprizes. In the mean time, the fort went on vigorously, insomuch that, by or about the thirtieth of December, the platform in the half-moon towards the sea was laid, and that day one whole cannon and three demi cannons of brass were mounted on it, and, on Wednesday the thirty-first, about one hundred and fifty volunteers wrought on it (besides the labourers), who dug the trenches for the foundation almost all round, and carried several turns of stones to the work, and had then further prosecuted it, but the death and burial of captain Con. Lyttleton, sir Charles, his brother, that day caused them to desist for that time, and also the present expedition of the fleet, by taking off captain Miners his sailors, caused the work to go on the more slowly; and now on Friday and Saturday, the ninth and tenth of January, the soldiers being in all about fifteen or sixteen hundred, were embarked; and, on Sunday the eleventh in the morning, the Centurion with most of the fleet weighed anchor, and sailed out of the harbour to the Cays, and on Monday morning, the twelfth, they being in all twelve ships, small and great, sailed away to sea, from whom there was no news for a long time. About the beginning of February, the deputy-governor and council made an order, that all the negroes which were yet abroad in the island in rebellion, being about thirty, or more, if they would come in should have twenty acres of land for each head that desired it; and Juan de Bola, who had been formerly their commander in the woods, and had been come in some time past, as before, was appointed colonel of the black regiment in the militia. The fleet having now been out some time, and no news of them, the expectation of the people began to grow big to hear of their success; when on Saturday, February twenty-eighth, arrives a privateer called the Blessing, captain Mitchell commander, who, having been cruising in the bay of Campeche, brings this relation: That, about 90 leagues this side of Campeche, he met three sail of the fleet, viz. Captain William James his ship, sunk in the sea by foul weather, who was the best ship in the fleet next the admiral, and that many of their men in the fleet were dead. This Mitchell also brought news that the Spaniards in Campeche had timely notice of the English designing on them from St. Jago; to prevent which they had sent their wives, children, and goods, to Merida, an inland town

twenty

twenty leagues from Campeche; that they had 1500 men in the town to oppose their landing, and had unrigged all the ships in the harbour, that they might not carry them away, and had hauled them on shore, and landed their guns on batteries; had sent one ship to windward and another to leeward, to give advice that no ships might come thither, and set watches along the sea coasts, to give intelligence of their approach: which news seemed very ill, and put the country in doubt of the safety of the fleet, the miscarriage of which would have been of ill consequence to the island, the most considerable strength both of ships and arms being there; and, to add to this ill news, the next morning, being Sunday, March the first, arrives colonel Barry in a sloop from Tortudo, who had been sent in the Charles of London, captain Robert Maunders commander, about fourteen weeks before, to reduce Tortudo, which was under the French government, to the English, and of which colonel Barry was to be governor; but, when they arrived there, the French stood on their guard, which colonel Barry seeing, desired captain Maunders to fire at them, but he refused, though he had received a commission and instructions by his own desire to that effect; so the design being overthrown, captain Maunders sets colonel Barry and his men ashore at Corydon, on Hispaniola, and goes away about his merchandize, and leaves the colonel and his men to get to Jamaica how they could; who at length arrived, with this ill news and worse success, in a small boat, and charged captain Maunders with the miscarriage of the whole business.

This twenty-four hours afforded variety of considerable news; for, before the night of this day, came a report that a ketch, which parted here with the fleet, was arrived in Macary-Bay, in Jamaica, one Mumford master, who related, that, on the thirtieth of January, (the same day colonel Barry was defeated at Tortudo), our fleet took the town of Campeche with twenty sail of ships, which proved true; for, on Monday, March second, arrived lieutenant Hoy from on board the said vessel, and gave the relation of all that had happened. The return of the fleet was much desired, as well for the booty, as that, for want of men and conveniences, the fort went not forward; but about twenty-fifth of March the workmen that were there were put off, till more recruits of men and materials could be provided.

On the thirty-first of March his majesty's ship, the Greatguést, captain Bernard commander, arrived from London, and brought six Jews (with a rich

rich cargo), who pretended they came to discover a gold mine, known to them in the Spaniards government, but refused, for fear it might bring enemies on a place so weakly manned as Jamaica was in the Spaniards time: But this was barely a pretence, for their design was only to insinuate themselves into the country for the sake of trade, and was managed by sir John Davidson, who sent with them Mr. Watson, a German, that managed all.

This ship also brought carriages for the guns, plank and other necessities for the fort. Soon after the arrival of this ship, one of the great lights of the island went down, colonel William Mitchell, who was judge of the admiralty and common pleas, chief justice of the island, and one of the council, whose death, though not much lamented by many in particular, yet was a very great loss to the island, he being a discreet man in all affairs, and of a public spirit, who had very well settled and modelled the privateers; the laws, and many other things beneficial to the place. On Monday, April thirteenth, the Centurion arrived from Campeche, and soon after the rest of the fleet, but straggling, because coming from leeward every one made the best of his way. By them came the particular relation of this expedition, which was, that the town itself was as it were a castle, being a continued parcel of strong built stone houses, flat at top, and very beautiful; in it were three good forts, all which were taken, and much demolished, part of the town burnt, and about fourteen sail of great and small vessels taken, with much goods of many forts: In this attempt at the second fort, captain Miners was wounded from a great gun in three several places, and on the whole about thirty Englishmen killed, and one taken prisoner, who was carried to Merida, where he was only examined, civilly treated, and sent back to his companions; of the Spaniards about fifty or sixty killed, many taken prisoners, who were released at the coming away of the fleet.

APRIL 24.—About this time there was a report made by a Portuguese, to a Spaniard that was here, that there was a great fleet at Carthagena, designed for this island, which the Spaniard told to the deputy-governor; but, upon examination, the Portuguese denied it: however, a shallop was sent to Carthagena, to make discovery; and, on the ninth of May, she returned with report, that she saw thirty-five sail of galleons and other ships in the harbour; which put the island into such an alarm, that Sunday the tenth, all went to work to fill up the platform and mount guns on the fort, but it proved nothing.

JUNE

JUNE 9.—Captain Barnard Sperdick failed for Oroonoke with an intent to take St. Thomas's.

Captain Fernes arrived on the twenty-ninth in the Bryan frigate, having been to look for Prince Maurice; and, on the first July, he went away for England, and a little before this the Centurion and Guist failed for England.

JULY 13.—Captain Burroughs the steward-general died.

AUGUST 4.—In the Friendship, captain Wigget master, came a letter from the king, commanding all acts of hostility against the Spaniards should cease; and, accordingly, on the tenth, by beat of drum, a cessation was proclaimed. Nevertheless, the privateers brought in their prizes, and particularly, on the nineteenth of October, captain Cooper brought in the rich quicksilver prize.

On the first day of November the out-lying negroes met with Juan de Bola, and cut him to pieces, else all things were quiet in the country; and, about the beginning of December, writs were issued out for the choosing the first assembly that was ever called in the island, which assembly met at St. Jago on the twentieth January, and chose Mr. Robert Freeman their speaker, where they sat till the twelfth of February, and then adjourned till the seventeenth of May, at Port-Royal. This assembly was very unanimous, and parted with all kindness and feasting, having made a body of laws as good as could be expected from such young statesmen.

About the beginning of March, captain Colebeck was sent by sea to endeavour the reducing of some out-lying Spanish negroes, which still did mischief in the country; and the sixth March he returned, and brought one of them in with him to treat for the rest. Also the same day arrived the ships from Oroonoke, having taken and plundered the town of St. Thomas, the chief place in that river.

MAY 7, 1664.—Sir Charles Lyttleton the deputy-governor, with several others failed for England in the St. John's Head, captain Ogle commander, and left colonel Lynch president of the council, and commander-in-chief, there being a little before this time news that sir Thomas Modyford was coming governor of Jamaica.

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According

According to adjournment, the seventeenth May the assembly met at Port-Royal, and began to consider of some things; but, on the eighteenth in the evening, we had notice that his majesty's ship the Westergate was on the coast of the island.

That ship arrived on the nineteenth, and in her colonel Morgan, who was lieutenant-governor to sir Thomas Modyford; who, as soon as he came ashore, took the government into his hands, and dissolved the assembly. With him arrived the Swallow ketch of the king's, and the first of June came the Blessing, James Gilbert master, who brought four hundred people from Barbadoes; and, on the fourth of June, the governor, sir Thomas Modyford, arrived in the Marmaduke, captain Stokes commander; and in this ship came about two hundred people. So soon as he was arrived, he caused his commission to be publicly read; discouraged all the gentlemen that came to wait on him about the country, and in what manner the settlement thereof went on, then called his council, and began to settle affairs with all expedition, but waved the calling an assembly for several months; and, on the sixteenth, he caused a proclamation to be publicly made, that for the future all acts of hostility against the Spaniards should cease from that time; and the thirtieth Mr. Pugh was sent in the Swallow ketch, captain Ensom commander, to Carthage-na, to acquaint the governor of the arrival of sir Thomas Modyford, and of the proclamation he had issued out for the ceasing of all hostilities.

JULY 27.—The Westergate and Swallow ketch were sent away for England, and the Griffin for Barbadoes, with the major-general J. Modyford, and several gentlemen in her, to fetch the lady Modyford and the general's family. The Swallow ketch, after five months hardships, returned again to Port-Royal; but the other two were never heard of afterwards. Notwithstanding the proclamation, there were several prizes brought in, but some of them were returned to the Spaniards.

MAY, 1668.—In August, sir Thomas issued out writs for the choosing an assembly to meet on the eleventh October following, which accordingly they did, and sir Thomas Whetstone was chosen speaker, more by the desire or rather order of the general than the election of the gentlemen, and Mr. Samuel Long was chosen clerk. This seemed to be contrived, so that he might find faults with the patentees, against whom he designed a total extirpation of their authority; for he had already (because major Povey, who.

who was secretary of the island, was gone off before his arrival) taken away his office, and given it to the lieutenant-general's son; he also directed the writs of election for Port-Royal to major Man, the surveyor-general, who was a justice of the peace there, against whom there was presently complaints for an undue election and return, there being Beeston and Loveing returned. It was said one Orchard should have been in place of Loveing, and whether major Man in that case was not particular or not, I will not determine, but he also made colonel Lynch (who had the provost-marshal's patent) one of the council and chief-justice of the island, as it seemed on purpose to find something against him; for first major Man was threatened for making undue returns, and many reflections were used by the speaker against the election of Port-Royal, which obstructed all things, so that business went not forward; for, when any thing was moved, Beeston always stood up, and said that, till the elections were allowed or voted undue, nothing should go on, so that at last it was after two or three days put to the vote, and unwittingly, not whether Loveing's election only, but the election at Port-Royal, were legal or not, and voted in the negative; which Beeston seeing, went immediately to the bar, thanked the speaker and the house for freeing him from that trouble and charge, and took leave; but the speaker told him he was mistaken, the assembly did not mean him but Loveing, and that he must return to his seat; and accordingly entered the vote in the journal, contrary to the express words of it. Nevertheless, Beeston went home, but was sent for again as legally elected, yet he refused, and for his refusal, the eighteenth of October, the speaker sent his warrant, by order of the house, to commit him without bail or mainprize; so to prison he went: but on the twentieth, it was so ordered, that sir Thomas Lynch, being on the bench with the general, was ordered, as provost-marshal, to go to Port-Royal and fetch Beeston before the governor and council, which he did; where, when Beeston came, he had a reprimand for being obstinate, and hindering the business of the country, and told that he was duly elected and must return to his seat, which he did; and, Corker being elected in the room of Loveing, business went on but like bells rung by boys, all jarring, and every day caused more ill blood; for every one saw what was designed, and that the speaker was taught what he should say and do, and the general took this advantage of colonel Lynch, and said, since he acted as provost-marshal, and went to fetch Beeston, he was not fit for chief-justice, nor to sit with him in the council, and therefore, on the twenty-fourth in the morning, sent him his

quietus from all his honours; and for major Man, he so divided his employment, that it was rendered of no value; the which, as some thought, shortened his life, for he died the eighteenth of November, which was soon after the assembly arose. But these things being so far over, the assembly, with parties, great heats, and ill humours, went on, and by the twelfth November had ended what was thought fitting, and then broke up and adjourned to the second Tuesday in March. But, to make amends for their jangling, and to cement the rents which had been made, it was thought fit and resolved that they, by consent and a general purse, should that day treat the governor and council with a dinner, and accordingly stewards were appointed, and a splendid dinner provided, with wine and music, and what else might make it great. This held well till after dinner, till the plenty of wine made the old wounds appear, which were never well closed; for then all went together by the ears, and in this unlucky conflict, honest captain Rutter, a worthy gentleman of the assembly, was killed by major Joy, who was of the council, and had always been his friend, but the drink and other men's quarrels made them fall out. This adjournment of the assembly was only to make the people think they would be frequently called, but it was only by degrees to be quite rid of them; for when the second Tuesday in March came, and the assembly met, they were the Thursday following, without doing any thing, adjourned to the first Tuesday in March the year after, but never after this time met again in all sir Thomas Modyford's government. In this assembly, also, Mr. Long, the clerk of it, who had been in friendship with those of the former government, was, the third of November, for what cause not remembered, taken out of the assembly by the governor's warrant, and clapped in gaol, and there continued some time after the assembly was adjourned.

The twenty-third, notwithstanding the proclamation, captain Morris Williams brought in a great prize with logwood, indigo, and silver, and several privateers went out, and Bernard Nicholas brought in a prize. Major Man being dead, on the twenty-eighth November, Mr. Byndlofs had a commission for major of Port-Royal, and, there lived and commanded in chief; and, about the beginning of December, most or all that had been of the late assembly were made justices of the peace.

DECEMBER 4.—About this day appeared first the comet which was the forerunner of the blasting of the cocoa trees, and after which time they generally failed in Jamaica, Cuba, and Hispaniola.

About

About the twenty-first, captain Munroe, who had a commission from Jamaica, turned pirate, and took the English merchant ships bound thither; after whom captain Ensom, in the Swallow ketch, was sent out, who met with him, fought him, killed many, and took the rest of his men, being thirteen, who were brought by him to Jamaica, and there condemned and hanged.

FEBRUARY 7, 1665.—The royal company's factors first came to Jamaica, to fettle their negro trade there.

About the seventeenth, the design was framed for the taking of Curaçoa, and, in order thereto, an embargo was laid on all vessels not bound to Europe; and, about the twenty-sixth March, some of the ships, being about five sail, (and the design commanded by lieutenant-general Morgan) sailed from Port-Royal, but in the end took only Eustatia and Saba, in one of which lieutenant-general Morgan died, and the ships returned with a losing voyage, the men mutinying after his death. These ships went before, but lieutenant-general Morgan failed not himself till the eighteenth day of April. At this time came the ships from Carthage for negroes, and were furnished by the royal company upon a contract made in Spain, which sir Thomas Modyford not liking, soon after broke. These ships were the Santa Cruz, captain Nicholas Redwigon, and the St. Fortunata, captain Pedro D'Orioite, both which carried about eight hundred negroes.

AUGUST 20.—Captain Fackman and others arrived from the taking of the towns of Tobascoe and Villa de Moos, in the bay of Mexico, and although there had been peace with the Spaniards not long since proclaimed, yet the privateers went out and in, as if there had been an actual war without commission.

But, about the tenth November, many of the privateers being gotten together, with an intent to fall on the town of St. Spiritus in Cuba, and the governor doubting it might be of ill consequence, sent colonel Beeston with three or four of the privateers ships that were then in port, to find them out before they fell on the town, and to divert them, for that he had received orders and a proclamation from the king to keep peace with the Spaniards; but Beeston, having been in search of them about six weeks, and not finding them, returned: However, in the mean time, they took

took the town and plundered it. The proclamation from the king was, that, since there was peace with the Spaniards, none of his subjects should fail under other commissions against them, for at this time were many Portugal commissions, and copies by which the privateers failed. But the design sir Thomas Modyford would have put them upon (and to which end he sent Beeston as a commissioner to treat with them, and to conclude fully on it) was for them to go against Curraçoa, we having then war with the Dutch; but these parcel of privateers and ships were commanded by Mansell, and he cared for dealing with no enemy but the Spaniards, nor would go against Curraçoa, neither were any of them taken any notice of for continually plundering the Spaniards, it being what was desired by the generality, as well the government as privateers; for, on the 27th February, 1665, sir Thomas Modyford caused a war against the Spaniards to be solemnly proclaimed by beat of drum and proclamation at Port-Royal; the causes and reasons mentioned in the proclamation I have forgotten, but possibly may be seen in his papers or the council book; but forthwith commissions were given out to all the privateers. About the beginning of this month, Providence was taken by captain Mansell and major Smith, and a small party sent with him, and he was left with about thirty-two men to command it, who not long after lost it again to the Spaniards. From this month I was absent from the island in England about one year, so know not the particulars of what was done then, but I think there was nothing considerable that year.

JULY 15, 1667.—This day sir James Modyford arrived from England, and brought a commission to be governor of Providence, and was also made by sir Thomas Modyford lieutenant-general of Jamaica, captain of the fort, and governor of Port-Royal; and at this time the private men of war went in and out, and brought in prizes frequently.

MAY, 1668.—About this time the privateers gathered together, under the command of general Morgan, and on the first of July attempted Porto-Bello, which they took, and in it much plunder, which they brought to Jamaica about the seventeenth of August. The Oxford frigate arrived from England October fifteenth, sent by the king to countenance the war with the Spaniards, and by the king to the governor, and whom he thought good to be partners with for some years, they finding victuals, wear and tear.

DECEMBER.

DECEMBER 10.—About the beginning of this month, captain Edward Collier was made commander of the Oxford, and about the tenth she sailed from Port-Royal towards the rendezvous which were appointed at the Isle de Vache, where the ships all met, and admiral Morgan was to command. There they seized a very fine French frigate, commanded by monsieur Vivien, and him they sent prisoner to Port-Royal, and on the second of January the captains all met on board the Oxford, and there resolved to attempt Carthage; but, whilst they were at dinner, by some unknown accident, the ship blew up at once, and killed two hundred and fifty men: Admiral Morgan and those captains that sat on that side the table he did were saved, but those captains on the other side all killed, and this accident saved the attempt on Carthage.

FEBRUARY 7, 1669.—Arrived the Isabella of Bristol, which brought news that the taking of Porto-Bello was not satisfactory in England, and that therefore the governor, sir Thomas Modyford, was to be sent for to England.

About the twenty-third the Satisfaction (the ship taken from captain Vivien) was fitted out to go to the privateers, but they had been gone in a body to the windward after the Oxford was blown up, but whither we had no advice.

MAY 17.—But this day they all arrived, having taken Grenada and Maracaiba, and burnt the Spanish men of war that were sent after them; and brought about thirty thousand pounds value.

JUNE 14.—Peace was publicly proclaimed with the Spaniards; nevertheless the privateers kept on, and went in and out, but not with commissions.

JULY 2, 1670.—In the morning war was again solemnly proclaimed at Port-Royal by beat of drum against the Spaniards.

AUGUST 12.—About this time the privateers began again to fit out in a body. Admiral Morgan commanded in the Satisfaction frigate, and the fourteenth the whole fleet sailed from the Cays on the design of Panama.

OCTOBER 19.—Arrived the ships that had taken Grenada, who were captains Prince, Harris, and Ludbury.

MARCH

MARCH 12, 1671.—Major-general Banister arrived with care of the people from Surinam,

On the twenty-seventh arrived a small vessel from the fleet, which brought news they had taken Providence, Caga Castle, and Panama, but lost the Satisfaction frigate,

MAY 11.—Arrived a vessel with Spaniards from St. Domingo, who came to bring advice of the peace made by sir William Godolphin and the articles.

JUNE 15.—Arrived sir Thomas Lynch in the Assistance, sent governor by his majesty, and with instructions to send home sir Thomas Modyford.

JULY 6.—Sir Thomas Lynch ordered the men of war to provide to sail for Carthagena, and in them major Beeston and captain Reids, to carry the articles of peace, &c. and to bring away the English prisoners.

On the sixteenth these ships failed, but the commander, captain Hubbard, fell sick that morning, and died the nineteenth in the afternoon, in the latitude of fifteen, and the twentieth was buried in the sea with great solemnity,

On the twenty-third they arrived at Carthagena, and the twenty-fourth went ashore, and were received with great respect; and having in a few days settled all things accordingly as the governor had directed, and received the prisoners, they failed from thence the thirtieth July, and the seventh August arrived at Port-Royal.

AUGUST 12.—Sir Thomas Lynch confined Sir Thomas Modyford aboard the Assistance, in order to the sending him to England, out of which ship he was removed aboard captain Knapman, with whom the twenty-second he failed for England.

DECEMBER 8.—Sir Thomas Lynch turned out captain Wilgrefs from his command of the Assistance, and the tenth gave a commission to major Beeston to command her, and the sixteenth she failed for Trinidad to get provisions, with whom went doctor William Dunn, physician to the kings of England and France, who died aboard the thirteenth, and on the
fourteenth

fourteenth was buried in the sea, and the twenty-second the Assistance arrived again at Port-Royal.

JANUARY 31, 1672.—The Assistance sailed again to the South Cays of Cuba after privateers and pirates, by the desire of the governor of St. Jago; yet when she came there, he would not suffer them to have provision for their money, nor would he let them come into St. Jago, though the captain brought and delivered him a ship he took from the privateers (which belonged formerly to the Spaniards) without any charge; therefore the eighteenth of March the Assistance again returned to Port-Royal.

APRIL 6.—Sir Thomas Lynch sent admiral Morgan for England in the Welcome, who failed this day.

On the eleventh, the governor sent the Assistance to Hispaniola to look for privateers, and thence to the Havannah to fetch away the prisoners, from whence she returned the fifteenth of June.

JULY 10.—The governor having ordered the Welcome for England, she failed this day from Jamaica. From this time I was in England one year, so know not what was done, but believe there was an assembly in that time, the particulars of which, and what else passed in that year, your excellency knows better than I do.

JULY 21, 1673.—This day the Portland, captain Canning commander, and the Thomas and Francis, captain Gollop commander, arrived from England, to stay some time in Jamaica, for the service of the island, there being now war with Holland.

OCTOBER 6.—Captain Canning brought in the logwood prize, afterwards called the Thomas.

FEBRUARY 17, 1673.—There was an assembly, where Samuel Long, Esquire, was speaker.

MARCH 4.—Captain Gollop in the Thomas and Frances brought in the Dame Susanna, a Dutch ship he had taken near Curraçoa, with about six hundred negroes, &c.

MAY

MAY 5, 1674.—The Portland, captain Canning, failed for England, and in her the lady Lynch, also the St. Thomas, captain Clark commander, and in her major-general Modyford, &c.

June 6.—Captain Kent arrived from London, with news that the lord Vaughan was coming governor, and sir Henry Morgan lieutenant-governor.

JULY 1.—Captain Gollop failed for England, so that now we had no man of war left in Jamaica.

DECEMBER 2.—Mr. Burford was tried and condemned, who, a little time before had killed major-general Banister, and for which he was a short time after hanged.

MARCH 5, 1675.—Sir Henry Morgan arrived lieutenant-governor, having been cast away in captain Knapman's ship at the Isle de Vacca.

On the sixth his commissions for lieutenant-general and lieutenant-governor were read at Port-Royal.

The seventh the council sat at St. Jago, and then Sir Thomas Lynch resigned the government to sir Henry Morgan.

On the fourteenth lord Vaughan arrived in the Foresight, captain Dabbin commander, at eight o'clock at night.

In the morning of the fifteenth he was sworn governor, and then the council was also sworn, and he took the government upon him, in the afternoon his commission was publicly read.

APRIL 2, 1675.—Sir Henry Morgan, colonel Byndlofs, and Beeston, were made commissioners of the admiralty.

On the third the privateers were indemnified by proclamation for all depredations heretofore committed against the Spaniards.

The twenty-sixth the assembly met, captain Long, speaker, being the first assembly called by the lord Vaughan; this assembly made forty-five acts.

acts, and then were prorogued to the thirteenth December following, but dissolved before that time.

MAY 24.—Sir Thomas Lynch sailed from Jamaica in the St. Thomas, captain Knapman commander, and with him captain Moleworth.

JUNE 11.—The Foresight sailed for the Havanna, and in her captain Brayn; after which they went to Barbadoes, and returned September twentieth, having done nothing.

SEPTEMBER 1.—Arrived several families from Surinam, about forty families in one ship, and the eighth arrived the American, captain Paxton commander, and the Hercules, captain Broad commander, from thence, with about eleven hundred people, and Mr. Cranfield, who had been sent to Surinam by the king, to bring the English from that colony.

APRIL 12, 1676.—The Foresight, captain Davis commander, sailed for England, and left no man of war on the island but one.

JUNE 23.—The Phoenix, captain Wright commander, arrived from England. During all this time there was no public commissions given against the Spaniards, nor privateering publicly countenanced, but many times things came in by stealth, nor was there any things of considerable note happened, there being peace with all people, and the island quiet within itself.

In March, the beginning of 1677, writs were again issued out for an assembly to meet the ninth of April afterwards; and accordingly the assembly met, and lieutenant-colonel Beeton was chosen speaker. This assembly continued by short adjournments to the twenty-third of June, in which time happened the business of Mr. Martyn, who for his behaviour to my lord, &c. was committed to prison, and on the twenty-third of June the assembly adjourned to the twenty-third of July, in which time Brown happened to bring in the negroes by a French commission, as he said, but was seized with his negroes, and he condemned to be hanged; whom the assembly endeavouring to bring to another trial before the chief-justice, as he had petitioned, were for so doing dissolved in haste by my lord, the twenty-sixth of July. But in this session before that adjournment, in June, twelve acts were passed, and now before they were dissolved eight,

in all twenty. Now colonel Long is dead, I know not how you will have the true particulars of all this unless of Mr. Bernard.

JUNE 28.—The Phoenix, captain Wright commander, failed for England.

JULY 26.—The same day the assembly was dissolved, arrived one Fulwood from London, who brought the news the earl of Carlisle was coming governor to Jamaica.

JULY 27.—The council sat, and new writs were issued out for an assembly to meet on the sixth of September following, because the last had not perfected the body of laws.

AUGUST.—About this time the bishop of Panama was brought to Old Harbour by the privateers, whom the lord Vaughan got from them, and furnished him with necessaries, and sent him home the sixteenth of September.

SEPTEMBER 6.—Accordingly the assembly met, and lieutenant-colonel Beeston was again chosen speaker. This assembly finished all that was left undone in the acts by the last; and on the twenty-sixth arrived Mr. Chambers from London, with certain news that the earl of Carlisle was coming governor.

SEPTEMBER 28.—The laws being all finished, the governor signed them all, except some few of little use, and the act for the revenue, and then dissolved the assembly, leaving the island, sir Henry Morgan his successor, and the lord Carlisle, without any revenue.

NOVEMBER 13.—By beat of drum it was proclaimed, that trade with the Spaniards for negroes or any other goods was free and open for every one.

MARCH 14, 1678.—The lord Vaughan went for England in captain Nurse's ship, and left the command of the island in the hands of sir Henry Morgan, lieutenant-governor, who on that afternoon published an order for all officers, civil and military, to continue as they were till further order, and so he kept them without altering any commissions.

MARCH

MARCH 28.—Came news by captain Mosely, who arrived from Barbadoes, that there was such apprehension of war with France, that all the windward islands fortified themselves, and put themselves in a posture of defence; on which sir Henry ordered the guards to be doubled at Port-Royal, and guards to be kept in most convenient places in the island, and the council to meet.—April third the council met, and then a council of war was ordered to meet the fifth instant of the field officers, to consider of the present condition of the island, and to put it into a posture to be defended.

APRIL 5.—Accordingly, the council of war met, where it was concluded that on the tenth instant the civil and common law should be laid by, and the articles of war be in force twenty days, and the island in a military posture, and that in that time all possible industry should be used to fortify all parts of the island; for the doing of which every tenth negro in the country, and every fourth negro at Port-Royal, were to labour on the public works; and accordingly the tenth day it was put in execution, and every one applied themselves heartily to their business.

APRIL 13.—Captain Mingham arrived from London, and brought certain news there would be war with France, but that it was not yet proclaimed, and that therefore, when he came away, the earl of Carlisle was ordered to sail in fourteen days.

APRIL 15.—We began the lines with stone work on the east side of fort St. James, and finished it by the twenty-third in the evening.

APRIL 24.—The lines of stone work was begun at the prison, and quite finished by the second of May in the morning.

APRIL 25.—The council of war, by order of the lieutenant-general, met again, and because there was yet no certain account of the war with France, nor of the French fleet, and that our fortifications went on very vigorously, and were in a good method and prospect of being finished, therefore they voted, that the military authority should continue to the twentieth of June next.

APRIL 28.—At this time the negroes mutinied, and killed Mr. Duck and several others this day.

MAY

MAY 1.—We began the lines against the sea by the breast-work, which in a short time was finished and the guns mounted.

MAY 10.—Arrived one Mr. Hamlin from St. Christopher's, who told us the French fleet, under the command of count D'Estrees sailed from the islands the twenty-seventh of April, and stood away south west, by which we guessed they were gone on the coast of the Main.

MAY 22.—Mr. Penroy arrived from Guinea, who had stopt at Barbadoes, where they told him there was certainly war with France, and the twenty-fourth captain Woodfins came round then, who confirmed the same news, though afterwards it proved false.

MAY 29.—Being the king's birth-day, and all the flags abroad upon all the forts, the great flag on Fort Charles blew down, which we doubted was ominous, being so noted a day, and on the most noted fort, &c.

MAY 31.—The council sat, and embargoed all ships for fourteen days, the lieutenant-general having sent a sloop to the coast of Hispaniola, to discover what news, and what else she could of the French, on the first of June she returned, with news that count D'Estrees own ship of eighty-five brass guns, and six more of the best of the fleet, and three private ships of war, and two victuallers, were all cast away on the Isle de and in them about four hundred men and three hundred and fifty brass guns lost; and that D'Estrees, with the remainder of the fleet, had been at Petit Goaves, from whence he was lately sailed for the windward islands, and thence intended for France, which ended all our present fears of the French.

JUNE 6.—The embargo was taken off from the ships.

JULY 19.—The earl of Carlisle arrived in the Jersey, captain Temple commander, and with him the Hunter, captain Tosier commander, and the Carlisle, captain Swan, in whom came sir Francis Watson, the major-general, and with whom came two companies of foot and many people, &c. and twenty great guns, and several barrels of powder and stores for the island, but no news of any war with France. The same morning he landed with the solemnity of the artillery from the forts and ships, and the regiment drawn up to receive him, and presently called the council, and was sworn governor, and then his commission was read in the old church, and

and thence to dinner; after which no more was done this day, only in the evening the two companies of foot landed, which, by my lord's orders, I quartered in the taverns till farther directions about them.

JULY 20.—The council met again, and viewed the acts my lord brought ready out of England, according to the constitution of Ireland, which constitution was designed to be set up here; and then they agreed writs should go out for an assembly to meet the second of September next.—Also this day a proclamation was issued out for all officers, military and civil, to continue in their respective offices till farther order, which the earl did not alter in a long time, so that all held their employments by my lord Vaughan's commissions, at least five months after my lord Carlisle arrived.

JULY 24.—They went all privately to town to see their accommodations, which they did not like.

AUGUST 1.—They went all from Port-Royal to live at St. Jago, being saluted as they went off with all the guns, and attended at Passage Fort with all the gentry and three troops of horse, &c.

SEPTEMBER 2.—The assembly met according to appointment, and lieutenant-colonel Beeston was chosen speaker.

SEPTEMBER 13.—We had news of a general peace in Europe.

SEPTEMBER 15.—The Jersey arrived from Hispaniola, whither she had been sent to weigh the twenty guns, which were lost when captain Knapman was cast away; which guns, by the help of captain Clark, were weighed, and now brought in. During the session of this assembly, there was nothing but offers made by my lord, and great pressing that we should pass the acts that were sent over, and to accept of that form of government; which was still modestly opposed, as being contrary to the government of England, of which country we were, &c. and desired to live under those laws; therefore my lord, seeing he could not prevail, and that there was now no revenue in the country, gave us leave to settle the revenue for one year, which he signed, and then on the eleventh of October dissolved us.

OCTOBER

OCTOBER 18.—Arrived captain Spiure, who with one Nevil, about three months since, and a hundred and fifty men, had taken Campeche, and with him he brought a prize; for all which he had his pardon, and leave to come in and spend their plunder.

NOVEMBER.—About the beginning of this month, my lord resolved to send Mr. Atkinson to England, to negotiate about the public affairs; who being in readiness, and all his dispatches prepared, he fell sick on the sixteenth and died the twentieth of this month, and was buried at St. Jago the twenty-first.

MAY 1, 1679.—The Jersey failed for England, and in her sir Francis Watson.

JULY 9.—Count D'Estrees' fleet appeared before the harbour, sent four gentlemen ashore for leave to wood and water in Blue-Field's Bay, which being granted and a pilot, they failed away that evening.

JULY 12.—The earl of Carlisle called the council at Port-Royal, and the same day a council of war, who laid by the civil law, and put the martial law in execution till the tenth of August, which was immediately proclaimed: About this time writs were again issued out for an assembly to meet the nineteenth of August.

AUGUST 15.—An order of the king and council was published at Port-Royal, for the continuing of the laws made in the two last two sessions of my lord Vaughan's assembly, till his majesty's pleasure was further known therein; and also a proclamation against the English cutting of any more logwood at or the Bay of Campeche.

AUGUST 19.—The assembly met, and lieutenant-colonel Beeston was again chosen speaker.

AUGUST 20.—By letters to sir Thomas Modyford and others, it was reported the island was sold to the French, which much discouraged all people.

AUGUST 22.—My lord sent a committee, consisting of some of the council and some of the assembly, to Port-Royal, to consider and report to him

him what more was fitting to be done for the security of the place; for at this time we were under great apprehension of the French, they having many ships and men in the Indies.

AUGUST 26.—Arrived captain Buckman from London, who brought the order from the king and council about the Irish model, with directions to my lord, that it should again be offered to the assembly, and that, if they refused it, he should govern by the governor and council till farther order.

AUGUST 27.—My lord communicated these orders to the assembly. Also this day, by proclamation, all the courts in this island were adjourned to the twenty-eighth February, except that of Port-Royal, which was kept open for strangers.

The assembly, considering that the circumstances they were under, of confirming or denying the Irish constitution, and that at this time there were great apprehensions of the French attempting us; and being willing that the officers now at the council and assembly should be dispersed to their commands, and also to gain time, in hopes that might breed some alteration, or at least give them leave to study the point, they made use of the present danger of the French, and made an act for the impost to continue six months; which they presented to my lord, and desired, by their speaker, that his lordship would prorogue them for some time, that they might take care to secure the island, and consider of this great business; accordingly, on the twenty-ninth, his excellency signed the act for six months, and prorogued the assembly to the twenty-eighth of October next.

And the same day a council of war was held at St. Jago, to settle the army in case of an attack, in known orders, rendezvous, and posts.

SEPTEMBER 2.—Captain Clark returned (who had been sent on the coast of Hispaniola, to discover what he could of the French) and reported from some French, that the count de Bethune was with nine men of war and two fire ships, at Martinico, and was to join the count D'Estrees at Petit Goaves, but their design not known; therefore this day martial law was again proclaimed to be in force all this month.

SEPTEMBER 9.—We began to cut the graft without the breast work at
P p Port-

Port-Royal, and fell to repairing and finishing what possible of the works we could.

SEPTEMBER 22.—Arrived the Success frigate, captain Tyte commander, from England, who fell sick and died the twenty-seventh, and then the command was given to his lieutenant, captain Johnson.

On the twenty-sixth a proclamation was again made, that the martial law should continue in force to the fifteenth day of October, because the danger of the French was not off, nor the fortifications finished.

The twenty-ninth the breast-work was doubled with bricks, the redoubt finished as it now is, and a powder-house built in it; also, a little before this time, the hulk and store-houses at Honduras were taken by the privateers, and much indigo, and other goods, cocoa, hides, &c. was now brought in by leave, provided they entered fairly and paid the customs: Also much silver was brought in by the French, taken out of a Spanish barque that had fished it out of a wreck at Ambrosia.

On the thirtieth the Hunter, captain Tosier, was sent out to find the wreck, and to fish up the plate, but could not meet with it; for which my lord put the pilot (Paul Abney) in prison.

OCTOBER 6.—The Success, captain Johnson commander, was sent to the South Cays, to find the privateers who did not come in and enter, and bring in the indigo, &c. and pay the customs.

On the eighth captain Cook's men brought in a barque with cocoa and hides, which they took from a Spaniard at Aruba, and landed all, publicly paying the customs.

*The fourteenth a proclamation was again made, that the martial law should continue to the twenty-seventh instant, but that the justices should act in all things as usual.

The twenty-eighth, according to the prorogation, the assembly met again, where we had many pressures from my lord to pass the laws, and made as many delays; at length, on the fourteenth of November, we presented him two addresses, one in answer to the lords of the council of trade's report, and the other about the privateers stealing goods, and being
allowed

allowed to bring them into Jamaica, at the last of which he was much concerned; the particulars I refer to the assembly's journal. In this assembly also, an act was made for raising thirteen hundred pounds to pay the charges on the fortifications at Port-Royal, and another to continue the impost to March second, 1680; but after many meetings of committees, and waitings on the governor, and many delays, at length the whole body of laws sent from England were by degrees voted against. Notwithstanding, when my lord saw persuasions would not do, he used threats to send several to England.

And, on the first December, my lord sent for the assembly, and offered them an oath of his own invention, which he told them he expected they should take; but the speaker, to whom he offered it first, told him he had often taken the oaths of allegiance and supremacy, and was ready on all occasions to take them again; that he knew no other oaths imposed on his majesty's subjects by law, and therefore would not take this, for which there was no authority; with him many refused it, but some few took it; and then my lord dissolved the assembly, but passed the money bills. This day also came news that the *Succefs* was cast away at Cuba, in her search of the privateers, by the ignorance or mistake of captain Daniel, the pilot.

JANUARY 21, 1680.—Captain Daniel was tried by a council of war, aboard the *Hunter*, (where lieutenant-colonel Beeston was president), for losing the *Succefs*, where he was ordered to receive seven lashes aboard every commissioned ship, thrice, one day after another, &c. as by the particulars in the trial.

APRIL 23.—About this time the earl of Carlisle resolved to go to England in captain Clapp's ship, and ordered colonel Long to go home, and intended others, but forced none else; though he said if colonel Beeston, who was then designed to go in captain Kapman, would not go, but only pretended, he would force him to go.

And accordingly, on the twenty-fourth, he told me he was going, and desired me to come to him as soon as I arrived in England; but, after being told by somebody that I was not in earnest, on the 17th of May he sent the attorney-general to tell me what he heard, and to tell me he expected I should go, and that he desired to speak with me about it; and this day, fearing colonel Long would not go, committed him.

MAY

MAY 27.—In the morning, the Exchange, captain Clapp, sailed; in her the earl of Carlisle, the countess lady Catherine, and many others, and the Hunter and many other ships in their company: My lord having been persuaded by some that by his going home (which was without order or leave) he might get the government settled on him for his life, and the reversion on his son Mr. Frederick, &c. but it did not succeed accordingly. And now the government returned again to sir Henry Morgan, as lieutenant-governor and lieutenant-general, &c.

JULY 6.—I came from Jamaica in captain Knapman, and, after a passage of eight weeks, the first of September, we overtook the earl of Carlisle (who went from Jamaica fourteen weeks before) off Scilly, with his masts all gone and miserably wrecked, with a weary passage and no provisions, to whom we presented such provisions and liquors as we had.

What passed after I came from Jamaica I have not the particulars, and what passed here after our arrival is known to you; but perhaps not much material to the island history, more than the altering the government, the particulars in sir Henry Morgan's government there, these you cannot want: and, if in any of those particulars I have been too short, if you please to advise in which, I will enlarge on them, but I guess Mr. Bernard and many others in Jamaica may be helpful; and for the plants (unless the trees) there is yet little knowledge or experience of them, the best light you will have in them I believe may be from Mr. Boucher. I know not whether colonel Colebeck kept a journal in writing or no; if he did, it may be useful, else I know none that I can guess at that I have not hinted, unless colonel Moleworth and colonel Bourden may have been so curious. If any thing be wanting that I can supply I shall be very ready and willing to do it.

If you think it necessary to the history, I can send the copies of all that passed here after my lord Carlisle came home, till the government devolved on yourself; as also the particulars at length of all things in the second assembly in my lord Carlisle's government; but I conceive the council books and the assembly's journals will help much, and also that every one will give you copies of their notes, when they know you intend such a work.

F I N I S.



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